

National Organic Standards Board
Report to the USDA Secretary on Progress to Prevent GMO Incursion into Organic

November 18, 2016

Secretary of Agriculture
U.S. Department of Agriculture
Washington, DC 20250

Re: An update of the National Organic Standards Board's work on eliminating the threats from
GMO incursion into organic agriculture

Dear Honorable Secretary,

As authorized in the Organic Foods Production Act (OFPA), the National Organic Standards Board (NOSB) provides advice to the National Organic Program (NOP) on the development of organic standards. (Organic Foods Production Act of 1990, 7 U.S.C. §6518 (a))

Five years ago, and at the request of the wider organic community, the NOSB accepted the responsibility for making recommendations to the NOP to address issues related to "excluded methods" as defined in the Federal Organic rule; specifically, to ensure that Genetically Modified Organisms (GMOs) are prohibited in organic production and handling.

The issues around GMOs in organic agriculture are complex and will require long-term efforts. Therefore, we believe that advising you on our efforts to date is worthwhile as we move towards a new Administration. In the NOSB's initial letter to you in March 2012, we stated, "We would like to open the door to continued dialogue with the USDA so that the responsibility to prevent GMO contamination of organics is shared by those who develop, use, and regulate this technology. USDA actions are critical to the integrity of the organic seal and consumer confidence." This report elaborates on the progress by the NOSB with regard to this shared responsibility.

The Public's Message Is Clear

The NOSB has the unique opportunity of having direct access to public comment prior to each of our twice-yearly board meetings, and one message has consistently, repeatedly, and abundantly been made clear: consumers across the country have expectations there will be no GMOs in their organic food. The risk to the integrity of organic agriculture is significant, and seed producers, growers, processors and handlers are all potentially impacted by the risk of incursion of GMOs into an organic supply chain.

NOSB Actions to Date

To address public concerns, 5 years ago the NOSB established an ad hoc Committee on GMOs, which has since been incorporated into the standing NOSB's Materials subcommittee. Since 2012, the NOSB has undertaken the following:

- Developed a mission statement that states that we accept responsibility for making recommendations that aim to keep GMOs out of organic agricultural products, and that we will provide leadership in clarifying the rule regarding excluded methods.
- In 2012, the NOSB began work on the issues of keeping seed stocks free from GMO incursion. The work included multiple discussion documents open for public comment, an expert discussion panel at the Spring 2015 NOSB meeting, and an update report on the work of the subcommittee. Most recently, the NOSB has requested an ongoing stakeholder task force to continue working on details of data collection and threshold identification of needs. While there is still much work to be done, we can say with confidence that the organic industry has reached consensus on several key points:
 - Seed is an important place to start to make sure that GMOs do not enter the organic agro-ecosystem.
 - More data is needed on the sources of how GMOs can contaminate organic systems; whether it enters through seed, through pollen, or through post-harvest handling activities.
 - The organic industry alone should not bear the costs of genetic trespass and incursion. The responsibility should particularly lay with the developers of these technologies that trespass on the integrity of organic production.
 - In 2013, we started to examine the definition of excluded methods in the Federal Rule to see how it could be strengthened. The definition had been developed in 1995, and many new technologies and approaches have been adopted since then. After two discussion documents and an initial proposal, the NOSB will vote on a final document this fall on a rule, as well as guidance on principles and criteria for the NOSB to use when reviewing future biotechnologies.
 - A comprehensive recommendation was passed unanimously by the NOSB in October 2015, on Prevention Strategies for Excluded Methods. This included best management practices (BMPs) to ensure the integrity of every step of organic production and handling.

These activities have kept the topic of genetic engineering on every NOSB agenda for the last 5 years and have given organic stakeholders ample opportunity to comment on these issues. Again, the message has been clear: organic consumers do not want GMOs in their food, and organic farmers do not want GMO incursion into their fields or the toxic pesticides and herbicides that the use of GMOs proliferates.

USDA Leadership Is Critical

Recognition of the potential for unfair burden to be placed on non-biotech farming systems was clear in the mandate from your office to the USDA Advisory Committee on Biotechnology and 21st Century Agriculture (AC21), as evidenced by their November 2012 report, “Enhancing Coexistence: A Report of the AC21 to the Secretary of Agriculture”. In the introduction to that report, AC21’s mandate was to answer the following questions:¹

1. What types of compensation mechanisms, if any, would be appropriate to address economic losses by farmers in which the value of their crops is reduced by unintended presence of genetically engineered (GE) material(s)?

¹ “Enhancing Coexistence: A Report of the AC21 to the Secretary of Agriculture”, November 2012, http://www.usda.gov/documents/ac21_report-enhancing-coexistence.pdf

2. What would be necessary to implement such mechanisms? That is, what would be the eligibility standard for a loss and what tools and triggers (e.g., tolerances, testing protocols, etc.) would be needed to verify and measure such losses and determine if claims are compensable?
3. In addition to the above, what other actions would be appropriate to bolster or facilitate coexistence among different agricultural production systems in the United States?

In one of the report's conclusions, it states:

“In its examination of the charge provided by the Secretary, the members of the AC21 have concluded that the responses to all three elements of that charge are linked. No member of the AC21 believes that simply putting in place a compensation mechanism to address economic losses to farmers arising from unintended presence of GE or other material would completely eliminate such unintended presence and strengthen relations between neighboring farmers.”

As evidenced by this report, the issues of coexistence are clearly complex. The NOSB urges the Administration to continue to show leadership by facilitating further discussion on these issues. In particular, many organic stakeholders believe the USDA's actions on genetically engineered crops have been insufficient to protect the organic industry. The NOSB urges you to prioritize the protection of the integrity of the organic industry, which as of 2015 has reached over \$43.3 billion in annual domestic sales (*Organic Trade Association survey*)².

Specifically, the NOSB urges you and your agency to:

- Develop policies to address shared responsibilities for GMO contamination.
- Strengthen farming best management practices guidance to prevent incursion of biotech seeds, pollen and products into conventionally and organically managed acreages.
- Support funding for research and data collection on threshold testing of organic and non-GMO seeds.

The NOSB appreciates that a cornerstone of your administration has been the growth of Organic agriculture. We urge you to continue to champion organic integrity through support of concrete steps – including vigorous, targeted regulatory action – to ensure the concept of coexistence is implemented in an effective, balanced and fair manner.

Sincerely,

NATIONAL ORGANIC STANDARDS BOARD



Tracy Favre, Chair

² OTA's 2016 Organic Industry Survey was conducted and produced on behalf of OTA by Nutrition Business Journal (NBJ). The survey was conducted from January 7, 2016, through March 25, 2016. More than 200 companies responded to the survey. - See more at: <https://www.ota.com/news/press-releases/19031#sthash.nSf5VtA.dpuf>