

**USDA PUBLIC LISTENING SESSION ON ACTIVITIES RELATED TO ORGANIC
PRODUCTION AND MARKETING SEPTEMBER, 2011**

COMBINED WRITTEN COMMENTS RECEIVED VIA EMAIL

(2011organiclistening@ams.usda.gov)

(In chronological order of receipt)

From: louisa [louisawooton0@gmail.com]
Sent: Tuesday, August 23, 2011 9:56 PM
To: 2011organiclistening
Subject: Public Comment Submission | USDA Organic Listening Session

Aloha,

As a partner in a Certified Organic farm operation (Kauai Kunana, Inc.), I would like to comment upon the lack of enforcement of the NOP rule. Our farm has been certified organic since 2002, first by Hawai'i Organic Farmers Association and now by International Certification Services. In addition, I am an IOIA trained farm inspector and was previously on the HOFA Certification Committee for ten years. Most of our farm's organic sales are directly to the customer at farmers' markets with a very small percentage sold to restaurants and retail.

When we go to our local farmers' markets on Kaua'i, there will be on average ten vendors out of 30 with large signs, banners, or other advertising that claim their produce and value-added products are ORGANIC. This is a very small community and there are none of these vendors who could be "Small-Farm Exempt". Several of them sell at 4-5 markets weekly, and some of them do not even grow ½ the produce that they sell. We have brought this to the attention of the market directors to no avail. The actual number of certified organic growers present at any market is only about 3-4. There were actually a few more, but some have dropped certification and continue to sell as organic anyway. And, why not....there is ZERO enforcement of the Rule.

My suggestion is that the NOP and certifying agents target the farmers' markets state-wide with programs to educate these markets about compliance with the NOP rule. I don't think that cash strapped state agricultural departments can take on enforcement. However, if it were brought to the attention of the market entities and operators that they were somehow complicit in allowing false representation, it would grab their attention. As I have said repeatedly, just ask the vendor to provide a copy of current OG certification and require that it be posted at the market stand.

Thank you for listening,

Louisa Wooton
Kauai Kunana, Inc.
4552 Kapuna Road
Kilauea, HI 96754

From: IConlan@aol.com
Sent: Wednesday, August 24, 2011 7:35 AM
To: 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

Hello,

Thank you for the opportunity to submit a comment with regard to the USDA administration concerning Organic Farming. My name is Ione Conlan, my address is PO Box 412, Valley Ford, CA. My telephone number is (707) 876-1992 or (707) 876-1893. I am a widow carrying on the family farm. The hours are long and the work tough. I would like to address two points which I believe would be very helpful for all organic farmers.

1. OUTREACH ADVISORY COMMITTEE

It would be very helpful if the USDA established an Outreach Advisory Committee for reaching organic farmers and ranchers. As an example, we have to work pretty hard to discover which USDA programs are available, and in some instances USDA employees are not even aware of the program which we accidentally learned about. USDA personnel should attend Farm Bureau, Cattlemen's, Woolgrowers, United Dairymen et al organizations to get the word out.

2. RANCHERS & FARMERS NEED HELP IN WORKING THROUGH THE APPLICATION

Since most of the paperwork to apply for the various programs is complicated, assistance should be provided to shepherd the applicant through the process. Oftentimes, only the "in crowd" (those who have partaken of these governmental help programs in the past) are acquainted with the procedures and are able to gain access to the funds which in all fairness, should be available to all eligible parties.

I would also be interested to know if there is any agency oversight which is taking place to be sure the administration of funds is distributed fairly without bias. I have heard rumors of partiality in the distribution of contracts, "good ol boy" networks that favor a few select parties, and if we can believe checking out the web site EWG Environmental Working Group which reports USDA payments, "US Farm Subsidy Database", we oftentimes find that the COC FSA Committee Members, are beneficiaries themselves of an abundance of payments, while denying others some of the same payments...

Fidelity National Title Company in Woodland, Ca received over five million in 2010, and a whopping \$13,194,000 since 1995. All the while poor farmer Jones works 24/7 in trying to keep the family farm, and may not have the time or talent to ferret out USDA funds for which he is eligible.

Our farm received a Heritage award recently at the California State Fair for agriculture in the same family for over 125 years. We were one of four farms in Marin County, California. Since my husband's death in 2001, I while carrying on discovered our eligibility quite by accident, as

when he was alive we were not aware of any help available, so outreach and assistance are really needed.

We were in bankruptcy for ten years, suffered drought, floods, predators killing our animals, inheritance taxes but we have survived with great personal sacrifice. I hope my next generation who is presently helping me on the farm can continue for another 125 years.

Thanks for your courtesy and attention and the privilege of submitting my view, as I am unable to travel to Washington DC to present my comments in person.

Ione Conlan
IConlan@aol.com
www.conlanranches.com

From: Denise Rushing [denise@drushing.com]
Sent: Friday, August 26, 2011 11:37 AM
To: 2011organiclistening
Subject: Public Comment Submission | USDA Organic Listening Session

I am an organic farmer and am thoroughly dismayed and disappointed in the USDA's deregulation of GE Alfalfa. What an affront to Organic Farming!!! This is a direct attack on organic integrity by the USDA. Of all the crops to allow, this is one that will directly affect the ecosystem and the integrity of organic farming and you know it. Secretary Vilsack, in this case it is not "I have two sons, and I love them the same" it is more like: "I had two sons, I just shot one."

Organic Farming is hard enough, but this is beyond the pale.

Please reconsider.

Thank you,

Denise Rushing
Upper Lake, California
denise@drushing.com

From: Stephanie Wozniak [teppyann@gmail.com]
Sent: Friday, August 26, 2011 5:40 PM
To: 2011organiclistening
Subject: Thank you for registering for 2011 USDA Organic Listening Session

Hi Mark,

I received your email after signing up for the Organic Listening Session. It occurs to me though, that I might be required to actually be present in DC to do this presentation. That will exclude me, unless it is some kind of virtual or call in event. Otherwise I will have to settle for submitting a written statement. Guess I was so excited to hear about the event...personally I believe that the only way for our nation to pull itself out of the deep hole it is in economically, health-wise and otherwise) is to go all organic, break up the big mega-agro operations, ban all GMOs, seize assets and freeze accounts of companies like Monsanto, Dow, Bayer. You know what I'm saying. Do we want to stop the diabetes and cancer epidemics or not? We need a legal industrial hemp industry. The whole concept of "creating jobs" is so off the mark! We need to put people to work, pulling weeds or whatever. The word is out, round-up ready crops have failed except to sell more pesticides and create some super weeds. Further congress needs to do what it takes for us to sign on to the Kyoto Protocol/Stockholm Convention and most of all BAN COOKING IN MICROWAVE OVENS!!!! This one thing, cooking food in microwave ovens is perhaps the primary cause of obesity and Diabetes in our nation, on earth for that matter. This is my opinion based on the fact that microwaved food has no more live food qualities so that then it simply rots in the digestive tract also producing hydrogen sulfide and carbon disulfide which go on to further break down the digestive system and its organs....

Good luck, my best always,

Stephanie Wozniak. Silver Springs, Nevada. 2011.

From: CARL GLANZMAN [carlglanzman@hotmail.com]
Sent: Wednesday, August 31, 2011 2:58 PM
To: 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

Now is the time to reduce the USDA budget by suspending the Direct and Counter-cyclical payments to Soy and Corn Producers.

The reason that this should be suspended is that record high prices for both commodities are producing market distortions and leading to liquidation of flocks and herds, while not producing any appreciable increase in human food. The Ethanol Industry is largely to blame for the corn price rise. Farmers in these two narrow market segments are very flush with cash; so much so, that the local banks accustomed to making ag loans now are going broke for lack of business.

Restore the market to balance, by removing this budget item, while saving small town banks, reducing pressure on farmland rental rates and farmland prices. This rent/sale price rise is the largest impediment to entry into the market by beginning farmers and especially beginning organic farmers. We, as a group, do more to provide quality human nutrition than any program at USDA ever could. Allow us to succeed by removing this impediment.

Carl Glanzman

Manager, Nishnabotna Naturals
Certified USDA Organic producer of fine vegetables
21575 370th Street
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(901) 496-9357 cell

From: ben.garland@gmail.com on behalf of Ben Garland [ben@bengarland.com]
Sent: Friday, September 02, 2011 1:38 PM
To: 2011organiclistening
Subject: Organic Ag listening session comments

Hello,

The integrity of organic agriculture in the United States is very important to me. I have the following comments:

1) Organic agriculture **MUST** remain GMO-free. Survey after survey shows that the vast majority of Americans do not want GMO in the food supply or at the very least want it labeled. We cannot have a true free market economy as long as the presence of GMO foods is hidden from the public. As such, purchasing organic products is the **ONLY** way consumers can be sure that they aren't eating GMO food. Please do not cave to industry (Monsanto) lobbying that seeks to destroy the integrity of the organic agriculture system in the United States. Not only is it harmful to consumers, but it would be destructive to the world export market for organic products grown/processed in the United States.

2) Organic agriculture **MUST** continue to be supported by the USDA Natural Resources Conservation Service (NRCS). The NRCS provides vital funding and technical assistance to organic growers who wish to make conservation a part of their farming system. This NRCS Organic funding must not only be maintained, but should be **INCREASED** and **EXPANDED**. Start with removing the \$20,000 cap on organic growers and make it the same as the \$300,000 cap that is available to all other growers. Increase the funding pool available to EQIP Organic.

3) Continue to support and restore/increase funding to the public-private partnerships that support Organic agriculture, such as to the National Center for Appropriate Technology (NCAT/ATTRA). These partnerships provide **VITAL** support the organic and sustainable agriculture community.

Thank you.

Ben Garland

From: Mobile John [jhilliard@me.com]

Sent: Tuesday, September 06, 2011 5:40 PM
To: 2011organiclistening
Subject: Public Comment Submission | USDA Organic Listening Session

In what ways is adherence to organic farming contradicting sustainability goals? Organic farming pest control may lead to harming beneficial insects to a greater extent than using some non organic products. Using barely effective organic fertilizers and pesticides may lead to more fossil fuel use because they require multiple applications. Tearing open the soil to eliminate weeds is one of the less desirable activities of some organic farms. If aspects of organic farming are actually less sustainable, do we need to re-evaluate in order to reach sustainability goals?

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From: Rita Pelczar [pelczar@aol.com]
Sent: Wednesday, September 07, 2011 10:00 AM
To: 2011organiclistening
Subject: Public Comment Submission | USDA Organic Listening Session

When exceptions are made for use of chemicals that would otherwise not be used in organic production but are allowed because there are no good organic alternatives, this muddies the water regarding certified organic products.

The same is true when non organic ingredients are permitted for use in certified organic products due to lack of availability of an organic alternative. As a consumer, I reject the use of such exceptions. If a product cannot be achieved using organic ingredients, or organic pest controls and soil amendments, the product should not be certified organic. Market demand should encourage the production of necessary organic ingredients, and exceptions should not be allowed. Permitting use of conventional pesticides for some organic crops under certain conditions, is unfair to both the consumer, who looks for a certified organic label, assuming it means something, and to the organic growers who do not abide by such exceptions.

Consumers will pay more for most organic products, but by allowing exceptions, consumer trust in the certification of products has diminished.

From: Robin Wilson [robin@wvcag.org]

Sent: Tuesday, September 13, 2011 2:42 PM
To: 2011organiclistening
Subject: Public Listening Session Comment

Thank you for listening - I have been part of the organic home grown and local grown food movement for 45 years. If you could send a summary of your findings it would be much appreciated.

- I think the USDA should have more humility in being the gate keepers for what foods qualify as organic. For years the official USDA line was organics offer no benefit. Now some of the USDA rules are making it harder for small producers and organic growers.
- It would be exciting if the USDA took an active role in showing how organics and increased recycling of human and animal pee and manure could offer a proactive solution to the impending phosphate shortages.
- I was very sad when I contacted the USDA Beltsville, MD experimental farm and several of the tree crops I'm interested in and collected scion wood from in the 1970's are no longer in the records let alone preserved.
- The NRCS high tunnel (greenhouse) grants could have been administered better. The news release preceded the completed regulations. The regulations did not take into account regional differences - for example the specks for WV were designed for a six foot snow load. Expert advice was ignored – Bob Gregory a local farmer with many years experience tried to give feedback but was ignored. Many of those who got a total grant for the high tunnels have not become local growers as was anticipated.
- I'm very proud of our West Virginia Food and Farm Coalition - see the newsletter below. I'm very glad so many folks are taking more control over their food supply.

Thank You,

Robin

From: Robert Bizzarro [RBizzarro@fnsb.us]
Sent: Wednesday, September 14, 2011 2:49 PM
To: 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

To whom it may concern,

Please keep fight to keep the term “Organic” safe from industrial creep. Commercial Agriculture has billions to push Organics towards a corrupted definition by slowly adding non-organic compounds as acceptable for use by regulation, through the USDA. We have poisoned the food chain already through the massive use of petroleum based fertilizers let's not poison the very spirit of the term “Organic”.

Thanks

Robert Bizzarro
Fairbanks North Star Borough
(907) 459-1343

From: georgeK@gckgroup.com
Sent: Wednesday, September 14, 2011 9:47 AM
To: 2011organiclistening
Subject: Written Comment for Listening Session

I would like to thank USDA for the opportunity allowing the public to voice its concerns on organic issues. My comments relate specifically to this statement from the press release for this meeting: “As the Department and its agencies face tightening budgets, it is important for USDA to gain a better understanding of the barriers to growth and how USDA can help overcome those barriers.”

All projects will be subject to economic modeling and cost-benefit-analysis as decision-making tools for funding. It is imperative that the baseline assumptions used by these economic tools be adjusted to highlight the positive aspects of Organic Ag; such more efficient carbon sequestration due to higher soil microbial life (sequestration is a biological not physical function) better water retention, increased farm worker safety, etc.

Without addressing the baseline assumptions Organic Ag cannot be fairly considered in current economic models. I would propose a working group be established to develop new baseline assumptions for USDA econ models with a specific goal to provide a balanced approach, instead of traditional yield-pre-acre emphasis, but the overall agronomic/environmental/social impact of Organic farming systems.

“As an alternative, the Institute for Policy Integrity has outlined some steps for the next administration to take a more evenhanded approach toward cost-benefit analyses.” New Republic October 21, 2008

Regards,

George C. Kalogridis
GeorgeK@GCKgroup.com
Cell (805) 340-6304

From: Carl Salamone [carl.salamone@wegmans.com]
Sent: Thursday, September 15, 2011 12:55 PM
To: 2011organiclistening
Subject: Organic standards for U.S. raised seafood.

Dear Sirs;

A U.S.D.A. stamp for U.S. raised seafood is way over due. The customers want it and it will create more jobs at both the farm and at Retail. There are many such certifications world-wide—we need one for the U.S.

As we look at U.S. wild fishery it is evident that we are the world leader in ending overfishing and the managing of our resource sustainably. We should also be the world leader in Organic certification.

Thank You

Carl P. Salamone
V.P.Seafood
Wegmans Food Markets, Inc.
585-464-4676 Direct Phone
Carl.salamone@wegmans.com e-mail

From: Phil Cruver [phil@kzoseafarms.com]
Sent: Saturday, September 17, 2011 12:10 PM
To: 2011organiclistening@ams.usda.gov
Cc: Lipson, Mark
Subject: NOAWG COMMENTS
Categories: Important thread

Being certified as organic is becoming critical in the more educated and discerning \$55 billion global market for organic products. Given the increased consumer demand for organically produced food worldwide, organic shellfish aquaculture has the potential to grow into a major industry sector in the future providing access to new markets with price premiums. As requested, I would like to “raise my voice and be heard” regarding the USDA National Organic Program for developing organic standards for molluscan shellfish. Below are my comments, which should be given serious consideration for a competitive American shellfish industry that would increase jobs, and help to reduce the \$10 billion seafood deficit.

Shellfish Seed: Generally purchased from a hatchery and defined as “spat”, the organic clock should not begin ticking until shellfish seed reach 10 mm. Subsequent to that time is when shellfish seed is set out for growing and management practices are implemented for meeting the organic standard.

Exotic Species: There is an important distinction that should be made between exotic and invasive species. "Exotic" species may be safely cultivated because they require continuous human intervention to persist. "Invasive" species are exotic species that have become established in a foreign environment, and independently persist and propagate to the detriment of

that environment. Organic production standards should not make a distinction between indigenous and exotic species. Consider that the vast majority of terrestrial crops under organic management are exotic species and only four U.S. crops are indigenous. Collectively, non-native crops and livestock comprise 98% of US food.

Triploid Stocks: Triploidy has been important to shellfish productivity with meat yields double that of diploids with more rapid growth rates and lower mortality rates in high disease areas. The triploid advantage also allows sales year-round for the half shell market. The induction method of producing triploid shellfish has been used commercially since 1985, primarily with the cultivation of the Pacific oyster on America's West Coast. The recent development of tetraploids, containing four complete sets of chromosomes, has substantially decreased hatchery mortality rates and increased viable egg production as contrasted to the unnatural induction methods of the past. Unlike triploid shellfish, tetraploids are fully fertile allowing them to "parent" natural genetic triploids. Male tetraploids have two sets of chromosomes rather than one in diploid males and are used to fertilize eggs from natural diploid broodstock. There are no chemical, heat, pressure, or other artificial induction methods involved in the natural spawning process. The resulting zygotes are genetically triploid with two sets of chromosomes contributed by the sperm and one set contributed by the egg. Faster growing, disease resistant and meatier shellfish from tetraploid/triploid technology represent the future for the industry. This technology represents significant grow-out and marketing advantages, comparable to the growth and year-round market of bananas and navel oranges. Furthermore, natural triploids are a means to prevent reproduction in non-native populations of shellfish.

The U.S. Shellfish Industry should be encouraged ride the cusp of the Blue Revolution wave with continued science-based production technologies and taking a leadership role for developing standards for organic shellfish certification.

Phil Cruver, President
Phil@kzoseafarms.com
703.899.5536
Skype: phil.cruver

From: Don B [dlbnfla2@cfl.rr.com]
Sent: Saturday, September 17, 2011 9:23 PM
To: AMS - 2011organiclistening
Subject: Public Comment Submission | USDA Organic Listening Session

The USDA is one of the first agencies to be closed after the 2012 election.

From: Paul Riederer [priederer@comcast.net]
Sent: Saturday, September 17, 2011 11:54 PM
To: AMS - 2011organiclistening

Cc: pqriederer@comcast.net
Subject: Public Comments Submission for USDA Organic Listening Session –
Sep 20, 2011

Date: September 17, 2011
To: USDA Organic Working Group and the USDA National Organic Program
From: Paul Riederer, 4830 Tanglewood Trail, Boulder, CO 80301
phone - (720) 935-2145; email - pqriederer@comcast.net
Subject: Suggestion to Establish a National Organic Conversion Program

This is a Public Comment Submission for the September 20, 2011 Public Listening Session on USDA Activities & Priorities Related to Organic Agriculture & Markets, submitted under the Official Meeting Notice and Invitation reference:

<http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateN&navID=2011OrganicListening&topNav=&leftNav=NationalOrganicProgram&page=2011OrganicListening&description=Public%20Listening%20Session&acct=nopgeninfo>

Official Suggestion:

USDA, National Organic Program, should develop a National Organic Conversion Program, including the policies and procedures to assist municipalities, counties, states and the entire US to convert to organic farming. Please consider this an official suggestion for the USDA, National Organic Program.

Precedents:

Sioux City, Iowa and the surrounding Woodbury County, Iowa have declared a goal to go 100% organic and have developed programs including tax incentives to assist in the conversion to organic farming. This program is an economic development measure designed to pursue the most sustainable long-term economic health of the region, and is fully supported by the Chamber of Commerce, farmers and the public. Please visit www.woodburyorganics.com for complete information related to the internationally acclaimed programs that support the small family farmer (including, local food system, organic tax rebate program, and more).

Other jurisdictions are also realizing that sustainable agriculture means organic agriculture, and are developing official policies to go organic, and to assist farmers with converting to organic food production and to assist homeowners to move to organic lawn maintenance. In Canada, over 130 communities and two entire provinces have passed laws severely restricting pesticide use, so homeowners and city park services are going organic and setting goals for conversion to organic maintenance of lawns and parkways. Source Ref: <http://www.organiclawncare101.com/>

Beyond cities, counties and provinces going organic, there is now at least one nation, Bhutan, which has declared a goal of converting to 100% organic agricultural production before the year 2020, and has developed a national organic conversion program to advance toward this goal. The government of Bhutan states that conversion to organic food production is the sustainable agriculture method to “enhance the nutrition, health and farm household income” and to become

a net exporter of organic foods. Please review this link describing the details of the National Framework for Organic Farming in Bhutan": Source Ref:

<http://www.authorstream.com/Presentation/Nastasia-35600-National-Framework-Organic-Farming-Bhutan-day-Definition-Key-Principles-Integrated-holistic-Benefits-Opportunities-for-2-as-Entertainment-ppt-powerpoint/>

Sample Policies, Process and Application Forms for Your Use as You Develop the National Organic Conversion Program for the United States of America:

The Woodbury County, Iowa Organic Conversion Program provides an excellent case study of the policies, process and forms needed to establish an Organic Conversion Program. Please review the materials available at this site:

http://www.woodburyorganics.com/Woodbury_Organics/County_Programs.html

- Property Tax Incentive to go organic: 100% Real Property Tax Rebate for 5 years for those who convert farmland from conventional to organic farming methods. The program is designed to give support to a new generation of farmer.
- It is financially impossible for a young person to get into conventional agriculture. However, an aspiring farmer can easily become an organic food producer on far fewer acres of land and with less money needed for equipment.
- "Organic Conversion Program" documentation:
- Policy -
http://www.woodburyorganics.com/Woodbury_Organics/County_Programs_files/wc%20organics%20policyv4.pdf
- Press Release -
http://www.woodburyorganics.com/Woodbury_Organics/County_Programs_files/wc_press_release_organics%20v2.pdf
- Process for Program Participation -
http://www.woodburyorganics.com/Woodbury_Organics/Organic_Program_Process.html
- Application Form -
http://www.woodburyorganics.com/Woodbury_Organics/County_Programs_files/OCP%20Application%20Form%202007.pdf
- Annual Declaration of compliance with the USDA National Organic Program Standards & Regulations -
http://www.woodburyorganics.com/Woodbury_Organics/County_Programs_files/OCP%20Compliance%20Blank%20Form.doc

Thank you for providing this public comment opportunity via the September 20 Organic Program listening session. Please contact me if you require any further information as you consider and begin implementing this suggestion. And please respond back to me regarding what decisions you make regarding this official suggestion.

From: Jim Riddle [mailto:riddl003@umn.edu]

Sent: Monday, September 19, 2011 6:23 PM
To: AMS - 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

To: Mark Lipson, USDA Organic & Sustainable Ag Policy Advisor
From: Jim Riddle, UMN-SWROC Organic Outreach Coordinator
RE: Organic Listening Session September 19, 2011

Dear Mark Lipson:

Since 2006, I have worked as Organic Outreach Coordinator for the University of Minnesota – Southwest Research and Outreach Center. I also serve as elected chair of the Winona County Soil and Water Conservation District and am on the Leadership Team of eOrganic, the National Extension Community of Practice for Organic Agriculture. I was founding president of the Winona Farmers Market Association; founding chair of the International Organic Inspectors Association (IOIA); and served a five-year term (2001-2006) on the USDA National Organic Standards Board. My wife and I operate Blue Fruit Farm, a MOSA-certified perennial fruit operation.

Thank you for the opportunity to submit written comments. (I'm sorry that I cannot attend in person - I have local governmental responsibilities and harvest commitments that prevent travel, at this time). I would like to offer the following comments, observations, and suggestions on my own behalf:

National Organic Program

The NOP has made great strides in the last 3 years in the areas of consistency, accessibility, and enforcement. It is extremely gratifying to see that many NOSB recommendations, which lay dormant for several years, have been dusted off and used as the basis for NOP guidance. The NOP Handbook is an excellent reference tool for applicants, certified operators, inspectors, certifiers, input suppliers, and other stakeholders.

The NOP website has undergone a recent upgrade, making it more user friendly, but it could still use some improvements. For example, when visiting the database of certified organic operations, there does not appear to be a way to access a list all organic operations in a given state, only those certified by a selected accredited certifying agent (ACA), which happen to be in the selected state.

The list of certified organic operations could be modified to serve as a powerful marketing tool, if the websites and email addresses of the operations were linked from the NOP database. It would also help if the information shown in the listings, supplied by ACAs, were presented in a consistent format, showing the primary contacts for all listed operations. (Right now, it appears that some ACAs only provide farm or business names, while others provide the names of the primary contact person(s).)

The Consumer Information section of the NOP website needs to be vastly improved and brought

up to date. One of the opening pages carries this outdated message: “USDA makes no claims that organically produced food is safer or more nutritious than conventionally produced food. Organic food differs from conventionally produced food in the way it is grown, handled, and processed.” Modern research shows conclusively that organic foods are lower in pesticide residues, antibiotics, and antibiotic-resistant bacteria. Ecological science demonstrates that organic systems are superior at protecting soil and water quality and supporting biological diversity. The USDA’s message should be modernized to reflect scientific realities.

The consumer page does have some more useful, accurate, and comprehensive analysis, when the visitor clicks on “Should I Purchase Organic Foods,” compiled by Mary V. Gold, Alternative Farming Systems Information Center, October 2008. This article should be updated and highlighted, and relevant information should be summarized from this article to update the USDA’s overall message about organic production. On the “Understanding Organic” consumer page, the top link under “Questions?” leads to the NOP-AQSS, a site that has been thankfully taken down.

As originator of the first organic certification cost share program in the U.S., (MN – 1998), I would like to commend the NOP for improved management and publicity of the national organic certification cost share program. To further improve utilization of the program, I suggest that notices advertising the program go out to conventional farm groups and national, regional, and local farm media, on a regular basis, since cost of certification remains to be a major perceived barrier for conventional farmers who consider converting all or part of their farms to organic production.

In the coming weeks, the NOP will receive commissioned recommendations from IOIA regarding criteria, training, and licensing of organic inspectors and certification reviewers. I would like to commend the NOP for moving forward, in cooperation with IOIA, to standardize the criteria and performance evaluation standards for these critical gatekeepers of organic integrity.

USDA Policies and Programs

While the NRCS’ Environmental Quality Incentives Program (EQIP) provides payments to organic and transitioning-to-organic farmers to implement conservation practices on their farms, there is still no USDA program that provides financial support to farmers to help them convert from conventional to organic production. In fact, state NRCS programs that offered transition support prior to 2008 were forced to discontinue these payments under the current administration. Transition supports have been offered in Europe since 1992 and have contributed to significant growth in the percentage of organic farms throughout Europe, far exceeding USDA’s timid goals for organic growth. Organic production provides multiple environmental benefits and it should be the cornerstone of U.S. agricultural policy.

Instead, USDA’s policy priority appears to be support for commodity subsidies, direct payments, and crop insurance programs, which reward farmers who mono-crop vast acreages of corn, soy, rice, cotton and wheat. Farmers who attempt to diversify their operations by growing specialty crops and/or cover crops suffer financial penalties. These programs serve as the major

disincentive for farmers converting to organic production, since they are caught on a high input commodity crop treadmill. Organic agriculture will never reach its potential in the U.S. as long as the USDA continues to prioritize subsidies, direct payments, crop insurance, and research for chemically-grown commodity production.

Likewise, USDA has invested heavily into research, development, and promotion of genetically engineered crops at the expense of organic and sustainable agricultural research and development. To date, GMO crops have contributed to the emergence of herbicide-resistant weeds and pesticide-resistant pests; a massive increase in the amount of herbicides applied; the escape of transgenic plants; a decline in the populations of bees, butterflies, and other beneficial species; and contamination of non-GMO crops through genetic trespass. It is time for the USDA to support labeling of all GMO products, so that consumers have a right to know and choose, and the technology is forced to survive in the free market, rather than existing, subsidized, behind a cloak of secrecy.

To help expand organic markets, the Agricultural Marketing Service should commence an ambitious, research-based marketing program to inform institutional and individual food buyers of the multiple benefits represented by the organic label. AMS promotes the consumption of peanut butter – it is time for AMS to promote the consumption of organic foods! This program should exist outside of the NOP, since the NOP has regulatory authority over the organic label. USDA Food and Nutrition Programs, including SNAP and WIC, should offer organic options in all regions, with no discrimination. Further, the WIC Farmers Market program should be reformed to allow cross-state redemption of coupons, since this is a Federal program, administered by States.

While the Natural Resources Conservation Service (NRCS) has begun to integrate organic systems into their conservation programs, a lot more work needs to be done. Recommendations, soon forthcoming from the National Sustainable Agriculture Coalition and its partners, to integrate organic and sustainable practices into Conservation Practice Standards and Enhancements must be implemented. NRCS personnel at National, State, Area, and District offices, along with contracted Technical Service Providers, must be educated on organic production and its conservation benefits.

Federal organic research programs, administered by NIFA, must be expanded, with funding at least commensurate with organic food's share of the marketplace. ARS and ERS must continue to conduct and expand foundational organic research, with ARS needing to launch a major initiative to research and develop public varieties of seeds and breeds that are well adapted to organic systems. Good research goes for naught, if there is not an effective mechanism to disseminate the findings. NIFA needs to commit long-term funding for eOrganic, which develops, reviews, and publishes research-based articles, videos, and webinars to the National Extension website for organic agriculture, while serving as a cost-effective collaborative workspace for organic researchers and practitioners. Likewise, the Sustainable Agriculture Research and Education (SARE) program and the National Center for Appropriate Technology (NCAT) must be supported by USDA, as these programs provide funds for on-farm research and valuable information directly to producers.

Conclusion

USDA is tasked with the responsibility of administering the food, forestry and farming policies of the United States. While small steps have been taken in recent years, it is now time for the USDA to fully embrace organic production as the cornerstone for this country's agricultural policy. Thank you for the opportunity to submit comments, and for taking the advice of one of our greatest Secretaries of Agriculture, Henry A. Wallace, who, during his final remarks to the USDA, advised, "Plant a garden."

Respectfully submitted,

Jim Riddle

Organic Outreach Coordinator, UMN - Southwest Research and Outreach Center

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United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

September 20, 2011

Re: Public Listening Session, USDA Activities & Priorities Related to Organic
Agriculture & Markets

Ladies and Gentlemen,

I write you as the Chair of your Aquaculture Working Group in response to your invitation to submit written comments for Public Listening.

In 2005, after Federal Register Notice, the USDA National Organic Program appointed the Aquaculture Working Group with a diversity of twelve professional fish farmers, scientists and environmentalists. It is the purpose of AWG to advise the National Organic Program and the National Organic Standards Board on the development of organic standards for aquatic animals and plants. In this role, we respectfully submit the following comments for your Organic Listening.

At this time, aquaculture products are the only major foods under USDA jurisdiction that do not qualify for the valuable USDA Organic Label. This unfairly discriminates against aquaculture among animal protein products for organic consumers.

Aquaculture now accounts for approximately one-half of all fish and shellfish consumed in the United States. The new USDA Dietary Guidelines recommends that US consumers double their consumption of healthy seafood. Increases in seafood consumption can only come from aquaculture since wild harvests have peaked around the world.

Retail sales of all forms of organic food in the United States reached \$26.7 billion in 2010, and account for approximately 3.7 percent of total U.S. food sales. Organic food production has shown consistent annual growth rate of 14% to 21%. Farm grown fish and shellfish is preempted from this large and growing market due to a lack of USDA standards for aquaculture in the NOP Final Rule.

The establishment of organic standards for farmed fish and shellfish will create new demand that will result in the establishment of new fish farming enterprises. New farming operations coupled with existing farms that expand production to meet this new demand will create good jobs. Job creation is a high priority for our Federal Government.

The Organic Food Production Act was passed in 1990. Provisions for organic seafood are in this Act, but have yet to be included in the Final Rule. In 2009, after considerable discussion and detailed review of many aspects of aquaculture, with many public comments received and considered, including conducting an all day symposium of invited experts, the National Organic Standards Board completed its careful deliberations with recommendations to NOP for aquaculture standards. During this five year period, a wide range of critical issues were considered, and where appropriate, were addressed in the proposed standards.

During this time, NOSB worked closely with AWG in the development of the proposed standards. The Board then sought and received extensive public comments on their draft standards and many related issues. NOSB then deliberated independently at both the committee level and board level before reaching final recommendations.

We believed that NOSB exercised considerable diligence. While we would expect objection to some proposed standards based upon past public comments, we doubt if any significant new issues will arise during Final Rulemaking that were not carefully deliberated by NOSB. We believe that the issues have been properly vetted by NOSB and do not expect any significant new issues to arise during Final Rulemaking.

Since completion of the final recommendations by NOSB in 2009, there has been no reported progress toward beginning Final Rulemaking by NOP and no positive information has been provided as to when Final Rulemaking might begin. No plausible reason has been provided for the long delays.

In addition to the need for organic aquaculture standards being sought by consumers, retailers and job creating farmers, it must be realized that the members of AWG have spent thousands of hours in aggregate assisting in the development of these standards. We worked in close conjunction with members of NOSB and various committees. Our donation of so much time and professional talent has been made with the good faith expectation that our work with NOSB would soon find its way into Final Rulemaking by NOP.

Our appointed members who have spent so much time, effort and talent, are very disappointed with the continuing delays. Some AWG members have essentially dropped out of our work claiming further efforts would be a waste of their valuable time. This is not in the best interest of the organic community, including consumers, retail intermediaries, and farmers.

Academic and other surveys of American consumers and retailers indicate strong interest for organic aquatic products to become available in US markets. Meanwhile, as American consumers, retailers and producers wait for Final Rulemaking, aquaculture products certified under foreign organic standards are being imported into the United States that are labeled “organic.” In some cases, there are no standards to support their “organic” claim. In time, more and more aquaculture products labeled “organic” are expected to arrive in the US marketplace.

US consumers are confused by the variety of organic labels for aquatic products that are produced with standards that are very different than those being proposed for the US. In some cases, no recognized standards are involved in aquatic products labeled “organic.” A similar situation existed prior to the 1990 Act that led to the creation of one federal recognized set of organic standards that created consistency and consumer trust. Unfortunately, twenty years after passage of the Act, no consistency and trust exists for farmed seafood labeled “organic” that is available for purchase by US consumers.

Organic and other consumers seek the assurances provided by the USDA Organic label, and retail grocery chains await this label for seafood. US farmers of fish and shellfish await establishment of aquaculture standards in the Final Rule to begin growing aquatic animals and plants to the proposed standards.

The most appropriate means to prevent and eliminate consumer confusion that is harming the value of organic labeling for all foods is for the USDA to move immediately into Final Rulemaking with the NOSB recommendations, so that in due course the USDA Organic label can be applied to fish and shellfish products grown to these most advanced and rigorous standards recommended by NOSB that were developed with guidance from AWG.

Once established in the Final Rule, USDA standards for farmed fish and shellfish will preempt the marketing of “organic” seafood in the US that are produced under other standards, or with no standards whatsoever. The USDA Organic label will bring considerable value to seafood markets and assurances to American consumers.

Your Aquaculture Working Group respectfully requests that USDA immediately commence Final Rulemaking without further delay. We are prepared to assist USDA towards this end however we can.

Respectfully submitted,

George S. Lockwood, Chair
Aquaculture Working Group

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

1486 South 1600 East
Salt Lake City UT 84105-2742

2011OrganicListening@AMS.USDA.gov

Re: Public Listening Session, USDA Activities & Priorities Related to Organic Agriculture & Markets

Subject: Aquatic Animal Rulemaking

Dear Madams and Sirs,

They say the wheels of government grind slowly. But, as it concerns rulemaking for organic aquaculture, the wheels have come to an abrupt halt and are rusting steadfast. Now, some people at NOP are asking if anyone has the proverbial oil can at-hand to free up the jammed machinery.

The aquaculture industry has always been there, and ready to push forward on this matter. Personally, I have been involved with the organic aquaculture process for better than a decade.

I am one of the founding members of the National Organic Aquaculture Working Group (“NOAWG”), which is a group of commercial producer/growers, industry support such as feeds and ingredients; nutritionists, other scientists, agriculture extension agents, and folks in public policy. We were instrumental in producing a “white paper” some years back, which was subsequently utilized by NOP-NOSB as an assisting-document for forwarding the cause of public and agency discussion, and development/writing of proposed standards. A number of NOAWG members eventually were appointed by NOP to serve on their Aquaculture Working Group.

I chaired four, successive conference sessions devoted specifically to the organic program at the annual World Aquaculture Society and Aquaculture America conference/tradeshows held each winter. During that time, a couple of important NOP staff, Richard Mathews and Arthur Neal,

were able to attend industry conference and participate in valuable discussions with aquaculture leadership.

It is my personal opinion that attention to rulemaking for aquatic animals & plants is well past-due; and it was a discomfort when just a few years ago, when things appeared to be at the point where rulemaking was going to be initiated, it all came to a screeching halt. And I don't think it was because of budget constraints, as I understand that the NOP actually experienced an increase in their funding and human resourcing right about that same time.

So please, do the right thing: proceed with final development of aquaculture standards in the National Organic Program.

Kindest regards

Richard C. Nelson

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250



September 21, 2011

2011OrganicListening@AMS.USDA.gov

Re: Public Listening Session, USDA Activities & Priorities - Relating to Organic Agriculture & Markets

Dear Ladies and Gentlemen,

I am writing both as a member of the Aquaculture Working Group, and as an active US aquaculturist, to respond to your invitation to submit written comments for Public Listening.

When I founded my catfish company in North Carolina in 1985, aquaculture represented only 5 percent of finfish sold in US retail. Today aquaculture has grown to account for approximately one-half of all fish and shellfish consumed in the United States. Global consumption of seafood

is expected to continue to rise, and aquaculture must fill the seafood supply void because the world's wild fisheries are fished to capacity. Moreover, health officials have clearly stated that people in the US should be increasing their seafood consumption. In fact, new USDA Dietary Guidelines recommend that US consumers double their consumption of healthy seafood.

At the same time, sales of organic food in the US have grown to where they represented almost 4 percent of total US food sales in 2010 (\$27 billion); in recent years, this growth has occurred at a 15+ percent annual rate. But unfortunately for US consumers and aquaculturists alike, aquaculture products are the only major foods under USDA jurisdiction that do not qualify for the valuable USDA Organic Label.

The absence of a USDA Organic Label has created four distinct, negative consequences during the past two decades. First, US consumers are denied the opportunity to purchase and consume US Organic fish. In the confusing seafood category, a US Organic label would provide confidence to Americans that their seafood purchases meet USDA Organic standards. Second, lack of a US Organic label has led to sales in the US market of foreign seafood labeled "organic." These foreign labels serve to confuse and mislead consumers who trust that seafood labeled organic and sold in the US would be truly organic. Third, consumers' confusion over foreign seafood labeled "organic" only undermines the US Organic label until the situation is remedied. Fourth, US fish farmers have been denied an opportunity to enter the growth market for organic food. Rather than US aquaculture benefitting from this market expansion opportunity, instead the industry's competitiveness has been hurt because foreign producers have sold products labeled "organic" in US markets while our industry's producers are prohibited from doing so.

The Organic Food Production Act was passed back in 1990, and provisions for organic seafood were placed in the Act. But they have yet to be included in the Final Rule. Our AWG worked for years and collectively invested thousands of hours together with the National Organic Standards Board to develop proposed standards. I personally spent hundreds of hours in research, discussion, and decision making in this process. I traveled to Washington, DC and incurred other costs along the way, all on my own dime because I believed in the project. In 2009 the NOSB made recommendations to NOP for aquaculture standards. Since the final recommendations were made by NOSB in 2009, there has been no perceivable movement toward beginning Final Rulemaking by NOP. Those of us who participated in the long process leading to recommendations, along with US consumers and aquacultures would like to know when Final Rulemaking might begin. What is the cause of the delay in beginning Final Rulemaking?

The recent recession served to hurt US aquaculture, and US aquaculture supply has decreased as a result. Meanwhile, consumers want more seafood, are told by health officials to eat more seafood, and are continuing to buy foreign aquaculture products that are labeled "organic." The establishment of organic standards for farmed fish and shellfish will create new demand and new markets that will result in a resumption in growth for US aquaculture, including the establishment of new fish farming enterprises. New and expanding farms and processing operations will in turn create new jobs to meet this new demand. In the current hard economic times, we seek common-sense ways of creating jobs. You can help create jobs now by allowing

producers to offer US consumers a new category of seafood: US Organic farmed fish and shellfish.

I respectfully request that USDA commence Final Rulemaking immediately on aquaculture.

Respectfully,

Robert A. Mayo
President, Carolina Classics Catfish, Inc.
Member, Aquaculture Working Group

From: Neil Sims [neil@kampachifarm.com]
Sent: Thursday, September 22, 2011 10:47 PM
To: AMS - 2011organiclistening
Subject: Public Listening Session Comment

Dear Organic Aquaculture Working Group and NOP,

As Co-Founder and President of Kona Blue Water Farms, I testified several times to NOP during 2006 – 2008 discussions on the need for Organic aquaculture standards in the US. I am greatly disappointed to see that there has been no discernible progress in moving towards implementing such standards. I hope that USDA will rectify this promptly. There is no rationale for further dissembling; and there are many good reasons why you should move forward.

The nutritional need and market demand for nurtured seafood grows, with now almost 50% of global seafood supplies derived from aquaculture. Yes, certainly, there are frequent concerns expressed about poor aquaculture practices, yet the same could be said of any animal culture industry: there are poor producers, and there are those that aspire to be the best. This year, a study by Conservation International and WorldFishCenter concluded that of all animal protein production systems, aquaculture had the least global environmental impact.

Over the last few months, we at Kampachi Farms, LLC, have been undertaking a research trial in US Federal waters of the Velella concept: an unanchored, submersible pen that drifts over the ocean floor, in waters over 12,000 feet deep. This net pen is stocked with 2,000 hatchery-raised fish that are native to these waters. The pen might at any time be between 3 and 75 nautical miles offshore; there is no possible impact on Kona's pristine coral reefs, or the wild pelagic fisheries. We like to think of this as "fish without footprints". Surely this system – if fed with Organic food – should be considered potentially worthy of USDA Organic cachet.

Yet no; US cultured seafood lacks a US Organic standard, and US consumers are denied the opportunity to purchase locally-grown Organic seafood. This makes no sense. It is poor public policy. Our oceans are the worse for it, and Americans' health is also probably the poorer.

If the concerns over potential environmental impacts of aquaculture are still salient (and many of these concerns are outdated or emotionally distorted by aquaculture opponents), then surely it behooves us, as a society, to set up systems that encourage more sustainable, earth-friendly and ocean-centric practices. One would hope that a US Organic aquaculture standard for cultured seafood would move us towards this goal, by providing an incentive for individual seafood farmers to continuously improve their culture methods.

Without such a standard, US seafood producers will remain at a disadvantage in the global market. We might produce Organic seafood to meet European or other standards, but we must then only market it beyond the US. And without such a standard, US-based entrepreneurs are compelled to look beyond our shores, when aspiring to develop Organic aquaculture companies.

So without Organic standards, we can expect to see investment, farm jobs, innovative technologies and skilled entrepreneurs all heading offshore, to other countries. Hmm. That doesn't sound much like a formula for green-collar jobs. That sounds like we are losing the future! Does it not make more sense to increase production of healthful Organic seafood locally, increase the local employment opportunities, and encourage local consumption of Organic products?

Kudos to NOAA: they have finally come to recognize the imperative for responsible, sustainable aquaculture, and have issued a National Aquaculture Policy that affirms and attests the need to move forward. Imagine a future where USDA NOP now follows suit ...

With much hope, and aloha. Yours sincerely,

Neil Anthony Sims
Co-Founder; President; Co-CEO
Kampachi Farms, LLC



September 23, 2011

Honorable members:

Please allow me to introduce myself and my company Ganix Biotechnologies Inc. We currently own and operate shrimp production facilities in two states; North Dakota and Nevada. We have developed a proprietary, state-of-the-art, bio- filtration system to raise salt water shrimp in a self-contained, indoor pond system under conditions designed for optimum quality and growth. Essentially, this indoor facility creates the perfect water environment for growing shrimp that is sustainable, pollution free, and has zero impact on the earth's environment. Our mission is to produce the best tasting, natural, healthy product through a sustainable, environmentally friendly manner devoid of all chemicals, growth hormones, and antibiotics. Ultimately, our

goal is to provide the healthiest shrimp product to our customers and receive USDA certification under the organic Final Rule for our very unusual products.

There is, however, one major stumbling block in our development and that is the lack of the Final Rulemaking for the standards recommended by NOSB. We strongly believe that the commencement of these standards will give us the opportunity to enter the organic market place for shrimp which is currently being served by foreign products certified to foreign standards or that violate the organic label with no standards to support their "organic" claim.

Without the implementation of a USDA recognized standard for aquaculture, it makes it difficult, if not impossible, for us to make the capital expenditures to grow our business. We certainly do not want to invest our hard earned capital only to have the rules change mid-stream. It is vital to our company and our industry to get this certification process done as soon as possible. American consumers have validated the need for USDA certification with their pocket books. 10 years ago, the only place you would find an organic product was in a specialty food store. Today, you can find organic products at the corner grocery store. The Seafood industry is being left out without aquaculture in the Final Rule. Including aquaculture in the Final Rule as proposed by NOSB will allow us to expand our operations and create jobs here in the United States. Please help us make this a reality.

Scott McManus
Chief Executive Officer
10501 West Gowan Road
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Las Vegas, Nevada 89129
702-463-0500
www.Biueoasisshrimp.com

From: Karine Bouis-towe [farmfoodfreedom@yahoo.com]
Sent: Friday, September 23, 2011 11:26 PM
To: AMS - 2011organiclistening
Cc: ktowema@yahoo.com
Subject: Public Comments Submission | USDA Organic Listening Session

To whom it may concern,

During my presentation on Sept. 20th I was asked to submit comments related to our opinion of the pasture rule for organic dairy cows set in 2010.

Upon reviewing the FAQ on "Access to Pasture Rule", we understand that the requirement includes 30% of diet from pasture during the grazing season. We encourage the OWG to increase this requirement over time to 80% diet from pasture during the grazing season and 80% of diet from hay during other times of the year.

In addition, we encourage the OWG to determine the required amount of pasture per lactating dairy cow, non lactating and other ruminants in order to better evaluate whether the rule is being followed or even can be followed on said farm.

We also believe that 4 months in confinement and fed grain only is too much prior to slaughter, this is not a natural environment and thus doesn't meet what "organic" should mean. We recommend moving towards "access to pasture and up to 80% grain" is allowed up to 1 month prior to slaughter.

Thank you for listening,

Karine Bouis-Towe of Farmfoodfreedom.org

From: valeitner@gmail.com on behalf of Val Leitner [val@blueovenkitchens.org]
Sent: Sunday, September 25, 2011 11:44 AM
To: AMS - 2011organiclistening
Subject: Organic Listening Comments
Attachments: gvillesun_valleitner_localfood.pdf

Thank you for providing fora for such diverse groups to provide the USDA with feedback. I subscribe to the USDA listserv and so read the blog post titled "Listening Session Gives the Floor to Organic Community" (McEvoy, 9.21.2011).

Since so many people talk about exports - including organic ones - being important for the economy, I would like to offer the attached editorial I wrote for the Gainesville Sun as encouragement for food remaining local, which is also important for the economy. It highlights how - by making a mere 2% shift in our North Central Florida regional food economy - an estimated 1,592 jobs would be created.

As someone working to create a kitchen incubator, I would like to see the USDA increase strategic funding for facilities and programs that grow sustainable (and organic), local foodsheds and food economies.

Thank you for your time and have a lovely day.

Namaste,

Val Leitner
President, Blue Oven Kitchens:
Nurturing Food Entrepreneurs + Growing the Local Food Economy
www.blueovenkitchens.org
352.278.7518 mobile

Buy Local North Central Florida!
www.buylocalncf.org

8/27/11 12:39 PM

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Val Leitner: Take a chance on local food

Published: Sunday, August 21, 2011 at 11:27 a.m.

Most of us are familiar with the buzz words “organic,” “sustainable,” and “local.” We are familiar with the trends these words represent. But there are important and often latent undercurrents to these ideas, such as food security, responsible environmental practices à la sustainability, a healthy and vibrant community, and good business sense.

Have you ever thought about “food security” before? It is an idea that, in the abundance present in our grocery stores, restaurants, and distribution houses, seems unchallenged, something we have engineered for ourselves in our wisdom. But our foods have become economy-of-scale commodities on the global market; our foodshed, that is, looking at our food system as ones looks at a “watershed,” has become the world. Times change, fuel prices rise, markets fluctuate, and unsustainable agricultural practices pollute and make our soils anemic. Let me ask you: How good is your business model if fuel prices rise to \$10 per gallon?

Louisiana has taken a progressive stance towards its foodshed and food security after a main component of its food economy, seafood, was nearly leveled by the Deepwater Horizon oil spill. Governor Jindal, of Louisiana, recently signed Act 330 into effect, thereby creating the “Louisiana Buy Local Purchase Program,” which gives eligible restaurants a 4 percent reimbursement of the cost of using locally produced products. The bill states that “the health, safety, and welfare of the people of (Louisiana) are dependent upon the continued encouragement, development, growth, and expansion of Louisiana farmers and agricultural products” that “Louisiana residents rely on Louisiana farmers and agricultural processors as their primary source of safe, nutritional, and affordable food” and that “agricultural industries are a major source of employment.” In this time of economic, food safety, and job security dilemmas, Louisiana is looking within its own borders to create its own security.

Can we, too, incentivize local food purchasing as a region, even as a state? Can we do this, not as a temporary means to artificially create markets, but rather as a way to subsidize and “incubate” these nascent markets while we discern how best to structure and grow them into their own sustainability? Agriculture promotes job growth beyond careers in agriculture itself. The small pieces of local and independent business, agriculturally-related or not, can add up to a larger whole that many near-bankrupt counties and municipalities are frantically searching for within standardized economic development strategies and from a few large employers.

Our own state passed HB 7209 allowing cottage industry food products that are not

considered dangerous, like jams, jellies, baked goods, to be produced in the home kitchen and sold legally if direct marketed and properly labeled. This is just one example of the progress that has come from our Department of Agriculture, UF/IFAS Extension, farmers, non-profits, and private citizens working together. Expect to see more of this progress.

On a small, community scale, local agriculture and local food service make sense together. Food travels less; is more fresh and more nutritive; one may know who grew it, how they grew, harvested, packaged and stored it; one may see it growing and may even request what and how it is grown. A restaurant can tell the story of the food it serves. It's about relationships. It's about food quality, safety, and security

Sun file photo

The downtown Gainesville farmer's market.

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witnessed with all the senses, first-hand. And, it's about money.

Did you know that the citizens of the ten-county area of North Central Florida, i.e. Alachua, Marion, Putnam, Bradford, Clay, Union, Columbia, Suwannee, Levy, and Gilchrist, spend over \$4 billion per year eating at home and out? The majority of that money is spent on food that is not locally produced and sourced; much of it is also spent at food service and retail locations which are not locally- and independently-owned. If just a small shift were made here towards local food, it could have an exponential impact on our food system, our local economy, creating new jobs and job security, and bolstering our own food security. It would provide some shock absorption for market and energy supply fluctuations. And, because we are largely talking about local and independent business, the money stays within our community and circulates around, creating wealth by multiplying itself.

Let's say that we could shift a mere 2 percent of that expenditure into locally sourced food and that much of that shift would occur through local and independent growers, restaurants, and other businesses in agricultural, on the periphery, or un-related but necessary professional services. That means that \$80 million would be generated within our region. And when one considers that the local multiplier effect turns every \$1 spent into \$1.50 to \$2.50, for a net gain of 50 cents to \$1.50, the total economic impact could be \$120 million to as high as \$200 million. From a mere 2 percent shift toward local food. Additionally, if one applies the imputed employment multiplier relevant to Alachua County in 2009 for agriculture and related industries (i.e. 19.9 jobs created for each million dollars of direct output) at least 1,592 jobs could be created from such a shift.

Many of us are aware that local and more responsibly grown food can be more expensive than its large, agricultural counterpart, sometimes exponentially so. There are good reasons for this: living wages, diseconomies of scale, lack of government subsidy, "slow" food growth rates. There are also bad ones: poor business planning,

insufficient cost analysis, lack of market access and demand, and distribution lacunae. But then there are the surprises: the restaurateur who balks at the price difference between local lettuce from a small farmer and its large-scale, extra-state counterpart, but who decides to give it a try anyway. He finds latent value between the two price structures via savings from the lettuce's longevity and its increased amount of usable leaves for his sandwiches from more sustainable growing methods and its non-standard variety; he finds revenue in its marketability to the public seeking local produce. Another example: the farmer who makes top-dollar selling his produce at retail value at the farmers markets decides to also sell a few items to a restaurant and plans his season accordingly. He discovers that the wholesale and retail values of his produce are bridged by maximizing his time for product sold (picking what is already sold without having to stand at a market for several hours), the longevity of his product (by not having leftover and un-sellable product at the end of a market day), and his marketable yield (by growing specifically for wholesale markets and individual restaurants).

My advice to the community: take a chance on local food; start with small additions to your diets and expand when those seem manageable; stay informed; tell your legislators how you feel; re-invest in your community; support those who support your foodshed.

Val Leitner is President of Blue Oven Kitchens Inc. Blue Oven Kitchen's mission is to provide and promote foodways, foodshed, food economics, and food safety research and education; incubate local food-based entrepreneurs; and foster a whole-system approach to the sustainable growth of the North Central Florida food economy. More information can be found at www.blueovenkitchens.org.

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<http://www.gainesville.com/article/20110821/OPINION/110829952?template=printpicart> Page 2 of 2

From: Reg Destree [reggieveg@gmail.com]
Sent: Wednesday, September 28, 2011 12:00 PM
To: AMS - 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

September 28, 2011

To: Public Comments Submission | USDA Organic Listening Session | Submitted to:
2011OrganicListening@ams.usda.gov.
From: Reginald Destree
RE: NOSB Decision to Disallow Use of Sodium Nitrate Fertilizer

The National Organic Standards Board's April 2011 recommendation to remove the 20% annotation on sodium nitrate is being considered now by USDA's National Organic Program for ratification into federal policy. If made into federal policy, NOP would completely prohibit the use of sodium nitrate in organic crop production either as a fertilizer, an ingredient in a fertilizer, or a soil amendment in organic crop production after October 12, 2012. Such a decision would severely damage U.S. organic production, especially in the northern states where there is no other source of readily-available nitrate for production of cool-season crops. Organic producers in southern regions of the U.S. and tropical foreign competitors would dominate this market, with the likely result that hundreds, if not thousands, of small organic businesses would leave organic farming in northern states.

I'm a long time organic vegetable grower from Wisconsin. With the cool spring we need an organic nitrate nitrogen source for our organic vegetables. None of the organically approved N fertilizer sources (other than sodium nitrate) will convert from protein to the nitrate nitrogen form under these conditions, and cool season vegetable crops will not grow without a nitrate N source. Sodium nitrate is only needed occasionally during the growing season, but when it is needed there are no good alternatives. As for myself as little as 5# of sodium nitrate is foliar sprayed to the early season crops started. This is, yet, less than 5% of the present allowed rule for sodium nitrate. The 20% annotation on sodium nitrate provides a proper balance with organic sources of N.

Sodium nitrate is a natural mined substance – not a synthetic input like some of those allowed in European organic standards. Many other mined fertilizers are authorized for use in organic farming – gypsum, greensand, langbeninite, sulphate of potash magnesia (Kmag, SuperMag, etc.), phosphates and potassium sulphate. USDA should not discriminate against sodium nitrate, and those organic farmers in northern states that rely on it.

We urge NOP to not support the NOSB's recommendation on sodium nitrate.

Sincerely,

Reginald Destree, organic grower
625 N. Segoe Rd #306
Madison, WI

From: benmclean@aol.com
Sent: Wednesday, September 28, 2011 12:28 PM
To: AMS - 2011organiclistening
Cc: matt@unclematts.com; BMcLean2@aol.com; bupdike@cpsagu.com
Subject: Public Comments Submission | USDA Organic Listening Session

Hello, I am an organic citrus grower in Florida. My company, Uncle Matt's Organic, is certified by QCS. Please do not remove sodium nitrate from the approved inputs list! This material is a valuable production tool in our operation.

Often, we face times of drought, that do not allow for the effective release of Nitrogen from organic sources. The ability to supplement during these times with a more available and soluble source of N, which can be applied foliar or via irrigation, is crucial for our production. We need this tool to most effectively farm during the year.

Please approve sodium nitrate for use in the NOP!

Regards

Ben

Ben McLean III, Vice President
Uncle Matt's Organic
1645 E Hwy 50 Ste 202
Clermont, FL 34711
352 242 9989 ext 12
352 394 1003 fax

From: Ron Juftes [7springs@swva.net]
Sent: Wednesday, September 28, 2011 2:11 PM
To: AMS - 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

September 28, 2011

To: Public Comments Submission | USDA Organic Listening Session | Submitted to:
2011OrganicListening@ams.usda.gov.
From: Seven Springs Farm Organic Farming and Gardening Supply Catalog, owner Ron Juftes

I run an organic farming and gardening supply catalog selling sodium nitrate to over 50 organic farmers every year. This product is needed by organic farmers for their organic production. They are not using this product more than the allowed amount so taking this tool away from them will make it difficult for farmers to use well needed faster release nitrogen source like sodium nitrate. Please do not remove this from the NOP list of allowed products.

Thanks,

Ron Juftes

RE: NOSB Decision to Disallow Use of Sodium Nitrate Fertilizer

The National Organic Standards Board's April 2011 recommendation to remove the 20% annotation on sodium nitrate is being considered now by USDA's National Organic Program for ratification into federal policy. If made into federal policy, NOP would completely prohibit the use of sodium nitrate in organic crop production either as a fertilizer, an ingredient in a fertilizer, or a soil amendment in organic crop production after October 12, 2012. Such a decision would severely damage U.S. organic production, especially in the northern states where there is no other source of readily-available nitrate for production of cool-season crops. Organic producers in southern regions of the U.S. and tropical foreign competitors would dominate this market, with the likely result that hundreds, if not thousands, of small organic businesses would leave organic farming in northern states.

Much of the U.S. winter and early spring production of organic vegetables is accomplished in 40 – 50 degree soil temperatures to supply the marketplace that asks for fresh produce 52 weeks a year. None of the organically approved N fertilizer sources (other than sodium nitrate) will convert from protein to the nitrate form under these conditions, and cool season vegetable crops will not grow without a nitrate N source. Sodium nitrate is only needed occasionally during the growing season, but when it is needed there are no good alternatives. The 20% annotation on sodium nitrate provides a proper balance with organic sources of N.

Sodium nitrate is a natural mined substance – not a synthetic input like some of those allowed in European organic standards. Many other mined fertilizers are authorized for use in organic farming – gypsum, greensand, langbeninite, sulphate of potash magnesia (Kmag, SuperMag, etc.), phosphates and potassium sulphate. USDA should not discriminate against sodium nitrate, and those organic farmers in northern states that rely on it.

We urge NOP to not support the NOSB's recommendation on sodium nitrate.

Sincerely,

Ron Juftes
Seven Springs Farm
426 Jerry Lane
Check, VA 24072

Email- 7springs@swva.net
Web site- www.7springsfarm.com
Ph# 540-651-3228 or
1800-540-9181

From: Daniel Humlicek [dhumlic@yahoo.com]
Sent: Wednesday, September 28, 2011 3:03 PM
To: AMS - 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

To: Public Comments Submission | USDA Organic Listening Session | Submitted to:
2011OrganicListening@ams.usda.gov.
From: Daniel Humlicek - Nebraska
RE: NOSB Decision to Disallow Use of Sodium Nitrate Fertilizer

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I urge NOP to not support the NOSB's recommendation on sodium nitrate.

Sincerely,

Daniel Humlicek – Organic Grower

September 30, 2011 [Rec'd Sept. 28]

To: Public Comments Submission | USDA Organic Listening Session | Submitted to:
2011OrganicListening@ams.usda.gov.
From: Dennis Coleman
RE: NOSB Decision to Disallow Use of Sodium Nitrate Fertilizer

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We urge NOP to not support the NOSB's recommendation on sodium nitrate.

Sincerely,

Dennis Coleman CCA

George S. Lockwood
PO Box 345

Carmel Valley, CA 93924

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

September 28, 2011

Re: Public Listening Session, USDA Activities & Priorities Related to Organic
Agriculture & Markets

Ladies and Gentlemen,

On September 20, 2011, I submitted a contribution to Organic Listening in my role as the Chair of your Aquaculture Working Group in response to your invitation to submit written comments. I was unable to attend your public session in Washington D.C., where you received oral comments earlier in September. I now submit comments as an individual who has been a pioneer in aquaculture for forty years, and most recently has been a member of your appointed Aquaculture Working Group.

As an aquaculture pioneer I have held various local, national and international leadership positions including President of the World Aquaculture Society. Over the years, I have commercially produced abalone, sea urchins, salmon and oysters, plus various micro and macro-algae species to feed these aquatic animals. The aquaculture systems I employed were novel and advanced the state of the art. Without fully understanding emerging organic principles at the time, I indeed incorporated many features of organic production in my production systems.

In 1999, I became interested in the prospects of organic certification for aquatic animals and plants in order to substantially advance the art of aquaculture. At that time I commented to the NOSB that if workable standards for aquaculture based upon organic principles would be established, I would like to again enter aquaculture with production of organic products.

Since 1999, I have been heavily involved in the development of standards for organic aquaculture compatible with the US Organic Food Production Act of 1990. I actively participated in various early efforts to determine the feasibility of organic aquaculture. Then in 2005, I was appointed to the Aquaculture Working Group and was also appointed Chair of AWG. Over the following five years I was privileged to work with my twelve professional colleagues on AWG, with members of NOSB, and with the NOP staff in actively participating in the development of the comprehensive standards that were finally recommended by NOSB in 2009. I took this responsibility very seriously.

This work over the past 12-years has involved considerable time, effort and personal expenditures of money. I have willingly made these efforts in the belief that USDA would move in good faith to promptly establish aquaculture standards into the Final Rule once NOSB made recommendations for organic aquaculture. That occurred in 2009 and no progress towards final rulemaking has since been made. I remain hopeful that my efforts have not been in vain and that final rulemaking will begin forthwith.

Beginning in 2005, NOSB made the development of organic standards for aquaculture a priority. They steadily worked towards this objective over the next five years with considerable resolve. I suggest that NOP should accommodate their efforts and rapidly move forward toward amending the NOSB recommendations into the Final Rule.

A major objective of the standards proposed for final rulemaking is to encourage innovation. We are already observing significant innovation as a result of the proposed rules. Various parties are actively working towards substitutes for fish meal from wild resources, substitutes for fish oil from wild fish, humane and stress free slaughter, recycling of nutrients, non-synthetic nutritional pigmenting compounds, and other novel solutions to many of the objections frequently made of conventional aquaculture practices.

In my particular case, each of these innovations coupled with low stocking densities, freedom from antibiotics and hormones, and minimal discharges with minimal interaction with local ecosystems will become a reality in one, multi-specie, multi-trophic integrated system. This will only happen if we have access to the organic marketplace that awaits USDA Organic labeled fish and shellfish. For this to occur, the proposed standards must be amended into the Final Rule. I urge USDA to move forthwith into final rulemaking with the NOSB recommendations for organic aquaculture.

Thank you for this opportunity to submit comments. I look forward to working with USDA in the advancement of organic standards for aquaculture in the near future.

Respectfully,

George S. Lockwood

From: Jill Beran [jbiwer_33@yahoo.com]
Sent: Wednesday, September 28, 2011 10:12 PM
To: AMS - 2011organiclistening
Subject: Public Comments Submission | USDA Organic Listening Session

Jill Beran
Email - jillberan@yahoo.com
Web - <http://Titus24U.blogspot.com>

To whom it may concern,

I appreciate the opportunity to voice my concern about denying the use of sodium nitrate in organic production. We own and operate an organic farm and use this product on some of our crops. We would like to be able to use it in the future. Thank - you

James.

From: Grace Gershuny [gracegershuny@gmail.com]
Sent: Wednesday, September 28, 2011 10:39 PM
To: AMS - 2011organiclistening
Cc: McEvoy, Miles - AMS
Subject: Public Comments Submission | USDA Organic Listening Session
Attachments: 9-11 USDA Listening Session - A Modest Proposal.doc

Dear Mark & Miles,

Sorry I was unable to be there in person – hope you got some good comments. This is an opinion piece I wrote for the online journal, The Organic Standard (www.organicstandard.com), which appeared in its July issue. I have edited it a bit in order to avoid having to include the accompanying article on the NOSB’s materials classification conundrum, with which I’m sure you are sufficiently familiar.

A good first step towards considering my ‘modest proposal’ might be to dust off the list of technical corrections needed to the OFPA, which should have been done long ago. I am convinced that one of the key barriers to realizing the strategic goal of increasing the number of organic operations is the rather capricious and often purist posturing that goes on around the question of whether a substance is synthetic and the resulting uncertainty and frustration it engenders. And of course, had this been done early on we could have avoided the unfortunate Harvey case, which in my opinion drained a lot of resources from everyone involved and continues to cast a pall over the urge to introduce rationality in the materials discussion.

Here, then, is my contribution, sent with my best wishes and kind regards – please do let me know if there is any way I can be of help.

Grace

Grace Gershuny
GAIA Services
Barnet, VT - USA
802-633-4152
gracegershuny@gmail.com

A Modest Proposal

A light went on in my mind while attending a presentation at BioFach in February about a textile dyeing regimen that does not require any ‘synthetic’ inputs. As I listened it became clear that this claim was not true if one used the NOP (National Organic Program) definition of ‘synthetic.’ As the discussion continued I realized that most of the international organic representatives in that room assumed that ‘synthetic’ meant ‘derived from petrochemicals,’ rather than ‘chemically changed.’

In North America, at least, the organic community has been preoccupied to the point of obsession with decisions about materials. Always uppermost in the minds of some is concern, not with the value of a particular substance as an input to organic production, or its possible environmental and health impacts, but with its ‘optics.’ How does it look to consumers if this synthetic substance is accepted for use by organic producers? For a case study of the level of absurdity reached by this focus, consider the ongoing indecisiveness by the NOSB (National Organic Standards Board) about how to classify Corn Steep Liquor. The problems encountered in materials classification go back to the problem of how “organic” is defined by the OFPA (the US organic law). Basing the definition of “organic” on a distinction between synthetic substances, which are “bad,” and natural ones, which are “good” is, as I have argued for many years, misleading, not scientifically credible, and generally false. Basing the law on this distinction was a mistake, the consequences of which continue to unfold in public controversies and confusion.

When the OFPA was being debated, the argument that won the day was that we needed a “clear bright line” to distinguish acceptable from unacceptable organic practices, and that “synthetic” was such a line. It was also argued that, however inaccurately, consumers believed that organic meant “no synthetic chemicals” were used. Part of the problem lies in the use of the word “synthetic” as the defining quality of the kinds of substances consumers believe—for good reasons—are not and should not be used in organic production or handling.

As we now realize, the term “synthetic” is no more a clear bright line than is “organic.” Both are defined by a production process, and in most cases there is no way to tell if a given substance is synthetic by analyzing it in a laboratory--you have to know how it was made. Further, the OFPA’s definition of “synthetic” (which is the one used by the NOP) is so broad as to mean anything that has been chemically changed in the course of turning it into a form more useful to humans.

What can be done?

What dawned on me last February at BioFach is that the problem of the synthetic definition is only an issue here in the US. Standards modeled on the EU, as is true of Canada, generally include positive lists of permitted substances that are not divided into categories of synthetic and non-synthetic. The problem cannot be fixed without some kind of amendment to the OFPA, which mandates the distinction between synthetic and natural and establishes the National List as a negative list. Getting rid of the distinction entirely and turning the National List into a positive list would require a massive change to the whole NOP regulation – a daunting prospect.

In November of 2007 I submitted a public comment to the NOSB suggesting a rather minor revision to the definition of 'synthetic' contained in the law. This "modest proposal" involves amending the OFPA to define "synthetic" to refer only to substances that are derived from petrochemicals (i.e., synthetic organic chemical compounds) - which more accurately reflects what most consumers think of as "synthetic chemicals." Criteria for including any petrochemically derived (synthetic) compound on the National List might also eliminate from consideration novel molecules that do not exist in living cells, or some similar narrowing of the field.

Among the questions that must be considered are the implications for currently prohibited substances that would become permitted under this scenario. It would, for example, become permissible to use sulfate of potash from any source as a fertilizer. There could well be substances suddenly rendered non-synthetic that should not be used in organic production, but the solution would be simple: such undesirable substances could be put on the National List of Prohibited Nonsynthetics.

This proposal was greeted with disdain by some representatives of the organic NGO sector, not on its merits but because they fear that revising the law will open the door for political horse trading to weaken the standards. This is an idea that would have to be discussed and debated by all organic stakeholders, and be shaped by their consensus, and this is the spirit in which it is offered. My objective is to shift the popular understanding of what organic means away from the absence of "synthetic chemicals" back to a positive focus on ecological production systems, whose primary goal is to optimize the health and productivity of interdependent communities of soil life, plants, animals and people.

Grace Gershuny
GAIA Services
gracegershuny@gmail.com

From: Brian Lehmann [bkdl@hotmail.com]
Sent: Wednesday, September 28, 2011 11:25 PM
To: AMS - 2011organiclistening
Subject: Dangers to the food supply and environment

I am a concerned citizen with input for the public listening session on national organic priorities, responding on my own behalf.

There is a clear and present danger to organic cultivation in America, because contamination from GMO crops, if deregulated, cannot be controlled. Moreover, when this cross-pollination has occurred, the seed patent holder such as Monsanto was successful in litigation as the party 'injured' by 'unintended' contamination.

This is a prevarication of any acceptable legal or moral norm. It is completely perverse to grant a seed patent holder such as Monsanto a de facto patent over pollination by upholding rights to

such patent when the pollination and/or germination of the seed occurred within circumstances outside the purview of Monsanto or the patent holder.

I know this issue is currently in the courts. But by invoking such clandestine claims over the processes of nature, it is clear that the holder(s) of seed patents are operating out of control, and should have been reigned in long ago.

But the Secretary's instructions to the Biotech AC21 do not go far enough to control an industry run amok. Even by requiring compensation for organic growers whose crops are contaminated by GMOs, not only does it become self-evident that they in their role as organic growers are in fact the parties injured by the contamination, but also there is a total disregard for the food supply displaced by such contamination, and those who would have consumed it.

It must be understood that organic cultivation in healthy soils is a source of nutrition, that depleted soils result in depleted bodies, and that the use of glyphosate to excess results in quantitative depletion of nutrients in the soil.

Major studies, such as the IAASTD report and even research done by the UN, has highlighted sustainable methods of cultivation as necessary not only in meeting the food needs of the world, but also in helping solve the crisis of global warming; but these studies DID NOT include mentions of GMOs as one of the preferred methods for achieving the goals.

So the spread of GMOs must be stopped while organic agriculture is still possible on the planet Earth.

Because there can be no co-existence with inevitable contamination.

Brian Kd. Lehmann
PO Box 1601
Lahaina, HI 96767

From: Matt Beran [ninebear730@yahoo.com]
Sent: Thursday, September 29, 2011 6:52 AM
To: AMS - 2011organiclistening
Subject: chil nitrate

We want to be able to use this and don't want it removed from our list of products to use. Thanks

Matt Beran

From: Chris Nelson [cnelson@bonsecourfisheries.com]
Sent: Thursday, September 29, 2011 10:12 AM

To: AMS - 2011organiclistening
Subject: organic aquaculture standards
Attachments: USDANOSBcomments092911.pdf

Please see the attached comments.

Respectfully submitted,

Chris Nelson
Vice President
Bon Secour Fisheries, Inc.
Bon Secour, AL
251-949-7411

BON SECOUR FISHERIES, INC.

P.O. BOX 60 • 17449 CO. RD 49 SO. • BON SECOUR, ALABAMA 36511

251-949-7411 • 800-633-6854 • Fax 251-949-6478

E-Mail: cnelson@bonsecourfisheries.com

September 28, 2011

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

Re: Public Listening Session, USDA Activities & Priorities Related to Organic
Agriculture & Markets

Ladies and Gentlemen:

For the past six years it has been my privilege to be a member of the Aquaculture Working Group (AWG) appointed to advise the National Organic Standards Board (NOSB) regarding the development of organic standards for aquatic animals and plants. My specific area of expertise is aquaculture of molluscan shellfish. The AWG worked very hard to develop and submit recommendations for organic standards for molluscan shellfish in addition to those submitted for other aquatic species. Given that the NOSB has now made recommendations to the National Organic Program for the promulgation of a new regulation that would allow for the certification, labeling and marketing of organic aquaculture products, I wish to take this opportunity to urge you to move immediately into Final Rulemaking with the NOSB recommendations.

In consideration of this request I also want to point out that aquatic food is the last major food group that does not have USDA national organic standards. This situation is creating tremendous consumer confusion as imported seafood products, labeled as "organic" via what appear to be non-equivalent organic certification programs, are increasingly available in the United States. These products are imported to satisfy a market niche which is, due to the lack of USDA standards, unavailable to domestic producers. Furthermore this inequitable situation contributes to our widening seafood trade deficit which currently stands in excess of \$10 billion.



pg. 2

United States Department of Agriculture

Bon Secour Fisheries, Inc. is a fourth generation family business which was founded in the 1890's as an oyster production company growing oysters in Mobile Bay, Alabama. My father, brothers and I continue the family tradition as seafood producers and distributors throughout the Southeastern U.S. Organic standards for aquaculture products would afford us the opportunity to grow and distribute organically produced oysters. We are confident that there is considerable demand for this and other domestically produced organic seafood products.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Nelson", written in a cursive style.

Chris Nelson,
Vice President

From: Jerry & Cindy Glaser [glaserjc@hotmail.com]
Sent: Thursday, September 29, 2011 10:23 AM
To: AMS - 2011organiclistening
Subject: Sodium Nitrate

September 28, 2011

To: Public Comments Submission | USDA Organic Listening Session | Submitted to:
2011OrganicListening@ams.usda.gov.
From: Jerry & Cindy Glaser
RE: NOSB Decision to Disallow Use of Sodium Nitrate Fertilizer

The National Organic Standards Board's April 2011 recommendation to remove the 20% annotation on sodium nitrate is being considered now by USDA's National Organic Program for ratification into federal policy. If made into federal policy, NOP would completely prohibit the use of sodium nitrate in organic crop production either as a fertilizer, an ingredient in a fertilizer, or a soil amendment in organic crop production after October 12, 2012. Such a decision would severely damage U.S. organic production, especially in the northern states where there is no other source of readily-available nitrate for production of cool-season crops. Organic producers in southern regions of the U.S. and tropical foreign competitors would dominate this market, with the likely result that hundreds, if not thousands, of small organic businesses would leave organic farming in northern states.

My husband and I have farmed organic and transitional for six years. Our desire is to produce nutrient-dense, safe food and products for the consumer. Due to the high land and commodity prices, 20% of our organic farmers left for the conventional market in 2011. The organic farmer, particularly in the colder regions will have a disadvantage for nitrogen if sodium nitrate (Chilean Nitrate) is removed from the approved input list. The volatile commodity prices pressures the organic farmer to produce maximum yields to stay in business. The demand for organic food is still growing, yet yielding to international pressure will make it impossible for the producer to meet the growing demand. The unintentional consequences (perhaps intentional by some) will be fewer and fewer producers growing organic crops and raising organic livestock and the elimination of the small family farm.

The nitrogen, sodium and boron in sodium nitrate enhances the manure and other soil inputs. The sodium nitrate boosts the organic producers' edge to be competitive in yields, nutrient-density and aggressiveness of the crop toward control of weed pressure.

The amount allowable of sodium nitrate by the NOP is minimal already. Emphatically, yields will suffer, particularly by the newer organic producer who has to build his soils for maximum production. Will processors and the end user be willing to pay higher prices to the producer to make up for lost yields? Disallowing the nitrogen source is just another burden for the ag

producer already vulnerable to weather events, volatility and increasingly higher input and fuel costs and commodity prices.

We urge you to reconsider the recommendation by the NOP. Sodium nitrate is a natural and mined product. If this product is removed, what will be removed next? Those who benefit by the removal of this product from the approved list are a very small percentage. Please consider the benefits to the producer and the greater good for organic food for the citizenry of our own country. Other countries do not have standards as strict as those in the United States for organic. If we are unable to produce it for our own, other countries will be happy to import their lower-quality organic food to meet our demand.

Again, we urge NOP to not support the NOSB's recommendation on sodium nitrate.

Sincerely,

Cynthia S. Glaser
Jerome J. Glaser

From: Amanda Taddy [ataddy@dramm.com]
Sent: Thursday, September 29, 2011 10:30 AM
To: AMS - 2011organiclistening
Cc: Jason.Woulfin@sqm.com; 'Tim Tetzlaff'; 'Hans Dramm'; reggieveg@charter.net; 'Casey Schoenberger'; cbohman@itol.com
Subject: Chilean Nitrate Support

Ladies and Gentlemen,

This letter is in support of Chilean Nitrate (Sodium Nitrate) as an input for organic crops.

Dramm Corporation produces a nutrient source for organic crops from fish scraps. The fish scraps consistently yield 2% in Nitrogen, but the majority of large organic farmers require higher levels of Nitrogen. The addition of Sodium Nitrate to our fish fertilizer raises the Nitrogen level from 2 to 4. Thus at 4% Nitrogen, the product enjoys a high demand from large organic farmers. This demand is increasing each year.

In 2009 28% of our quantity contained Sodium Nitrate.
In 2010 31% of our quantity contained Sodium Nitrate.
In 2011 37.6% of our quantity contained Sodium Nitrate.

In 2009 34% of our sales were from blends with Sodium Nitrate.
In 2010 36.5% of our sales were from blends with Sodium Nitrate.
In 2011 40.5% of our sales were from blends with Sodium Nitrate.

The blends containing Chilean Nitrate are exported to China, Vietnam, South Korea, Israel, Palestine, Oman, Brazil, Chile and Taiwan. For over 9 months we have been experimenting with possible substitute for Sodium with zero success. We have not found any replacements.

Sodium Nitrate is a natural product, which is mined. There are other products allowed by NOP, which are mined (gypsum, greensand, sulfate of potash magnesia, etc). It's not logical to allow several mined products and disallow Chilean Nitrate. Without Sodium Nitrate our sales dollar volume is set to drop over 40%! Our exports will also drop an equal amount.

We urge you to allow Chilean Nitrate (Sodium Nitrate) under the 20% rule.

Sincerely,

Kurt Dramm
President
Dramm Corporation

Amanda Taddy
Dramm Corporation
Voice: 920.645.6401
Fax: 920.684.4499

From: Jason Woulfin [Jason.Woulfin@sqm.com]
Sent: Thursday, September 29, 2011 10:45 AM
To: ataddy@dramm.com; AMS - 2011organiclistening
Cc: ttetzlaff@dramm.com; hdramm@dramm.com; reggieveg@charter.net;
cschoenberger@dramm.com; cbohman@itol.com
Subject: Re: Chilean Nitrate Support

Fantastic letter! We really appreciate the support and taking the time to make the letter/statement.

From: Amanda Taddy
To: 2011OrganicListening@ams.usda.gov <2011OrganicListening@ams.usda.gov>
Cc: Jason Woulfin; 'Tim Tetzlaff' ; 'Hans Dramm' ; reggieveg@charter.net ; 'Casey Schoenberger' ; cbohman@itol.com
Sent: Thu Sep 29 11:30:28 2011
Subject: Chilean Nitrate Support

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We urge you to allow Chilean Nitrate (Sodium Nitrate) under the 20% rule.

Sincerely,

Kurt Dramm
President
Dramm Corporation

Amanda Taddy
Dramm Corporation
Voice: 920.645.6401
Fax: 920.684.4499

From: Rene Diers [rene.diers@ristic.com]
Sent: Thursday, September 29, 2011 12:02 PM
To: AMS - 2011organiclistening
Cc: Andrew Adler
Subject: Public Listening Session, USDA Activities & Priorities Related to Organic Agriculture & Markets
Attachments: USDA_organic.pdf

Ladies and Gentlemen,

Please find attached letter with our thoughts and comments regarding the USDA National Organic Program and final rulemaking for aquaculture standards.

Sincerely,

René Diers
Rainbow Export Processing S.A.
Zona Franca Puntarenas
Costa Rica

Tel (506) 2664 1600
Fax (506) 2664 2600

www.ristic.com



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September 26, 2011

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

Re: Public Listening Session, USDA Activities & Priorities Related to
Organic Agriculture & Markets

Ladies and Gentlemen,

I am writing you as the General Manager of the company Rainbow Export Processing S.A. in Costa Rica. We are the only producer and exporter of organic certified shrimp in Central America and due to huge demand in our main markets we are rapidly expanding shrimp farming operations and processing capacities. Each week more and more small artisanal shrimp farmers in our region are showing interest in organic certification.

Currently all our organic shrimp is exported to the European Union and we ship sustainable shrimp to the U.S. We are very interested in converting more of our farms to organic production as soon as it is clear that the USDA National Organic Program will commence Final Rulemaking for the standards recommended by NOSB.

As a concerned producer that raises organic shrimp in a manner that is consistent with practices far above the standards that have been set by aquaculture regulatory organizations, we would like to point out the importance of acquiring the USDA seal of approval for organic product. Although the costs far exceed the normal costs associated with farm raised shrimp, we have conscientiously dedicated our lives as farmers and processors to delivering clean and safe shrimp for consumption in the U.S.

As you are aware there is a very strong movement towards accessibility of organic products in the U.S. marketplace and it would be helpful to the consumer to be able to distinguish the products that are truly organic. We feel that once this labeling occurs organic products will be more widely accepted as a higher quality product available to the consumer of all economic levels thus creating a public outcry for safer cleaner food products of all kinds. This will result in more jobs being created because the organic industry will grow as well as creating a more educated consumer that can in turn feed their family a healthier alternative than what is currently offered. Since health care costs continue to rise in the U.S., consumers are seeking a healthier food supply as a preventative measure to staying healthy. We feel that if the USDA National Organic Program will enact Final Rulemaking for organic standards it will be a major step in health awareness and education.

Yours sincerely,



René Diers
General Manager



FRIEND OF THE SEA
Sustainable Fish



From: Schuenemann, Gustavo M. [Gustavo.Schuenemann@cvm.osu.edu]
Sent: Thursday, September 29, 2011 1:55 PM
To: AMS - 2011organiclistening
Cc: Rajala-Schultz, Paivi; Smith, Steven I.
Subject: Public Comments Submission | USDA Organic Listening Session
Attachments: Organic Dairy.Needs.9.29.2011.pdf

Dear Officer,
Attached are critical needs for certified organic dairy herds.

Sincerely,
Gustavo

Gustavo M. Schuenemann, DVM, MS, PhD
Assistant Professor
Extension Veterinarian, Dairy
Department of Veterinary Preventive Medicine
College of Veterinary Medicine
The Ohio State University
A100L Sisson Hall
1920 Coffey Road
Columbus, Ohio 43210
Phone: (614) 292-6924
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Email: schuenemann.5@osu.edu
<http://cvm.osu.edu/GustavoScheunemann.htm>

Identified Needs for Certified Organic Dairy Producers and their Veterinarians

Gustavo M. Schuenemann, DVM, MS, PhD

Dairy Extension Specialist & Veterinarian

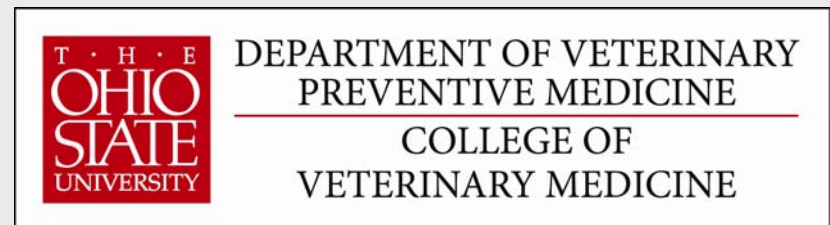
Ph: 614-292-6924

E-mail: schuenemann.5@osu.edu

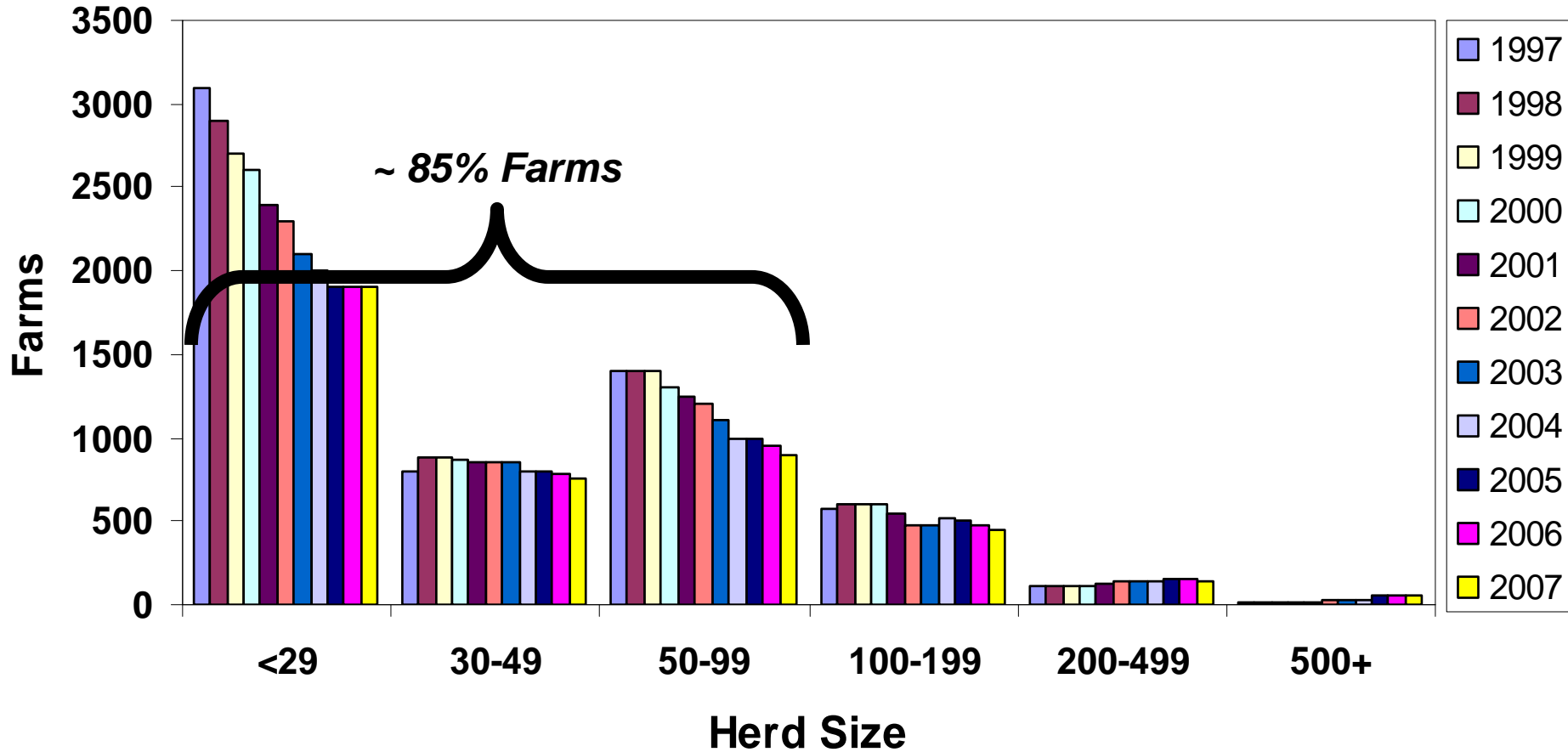
Päivi Rajala-Schultz, DVM, PhD, Dipl. ACVPM

Ph: 614-688-0457

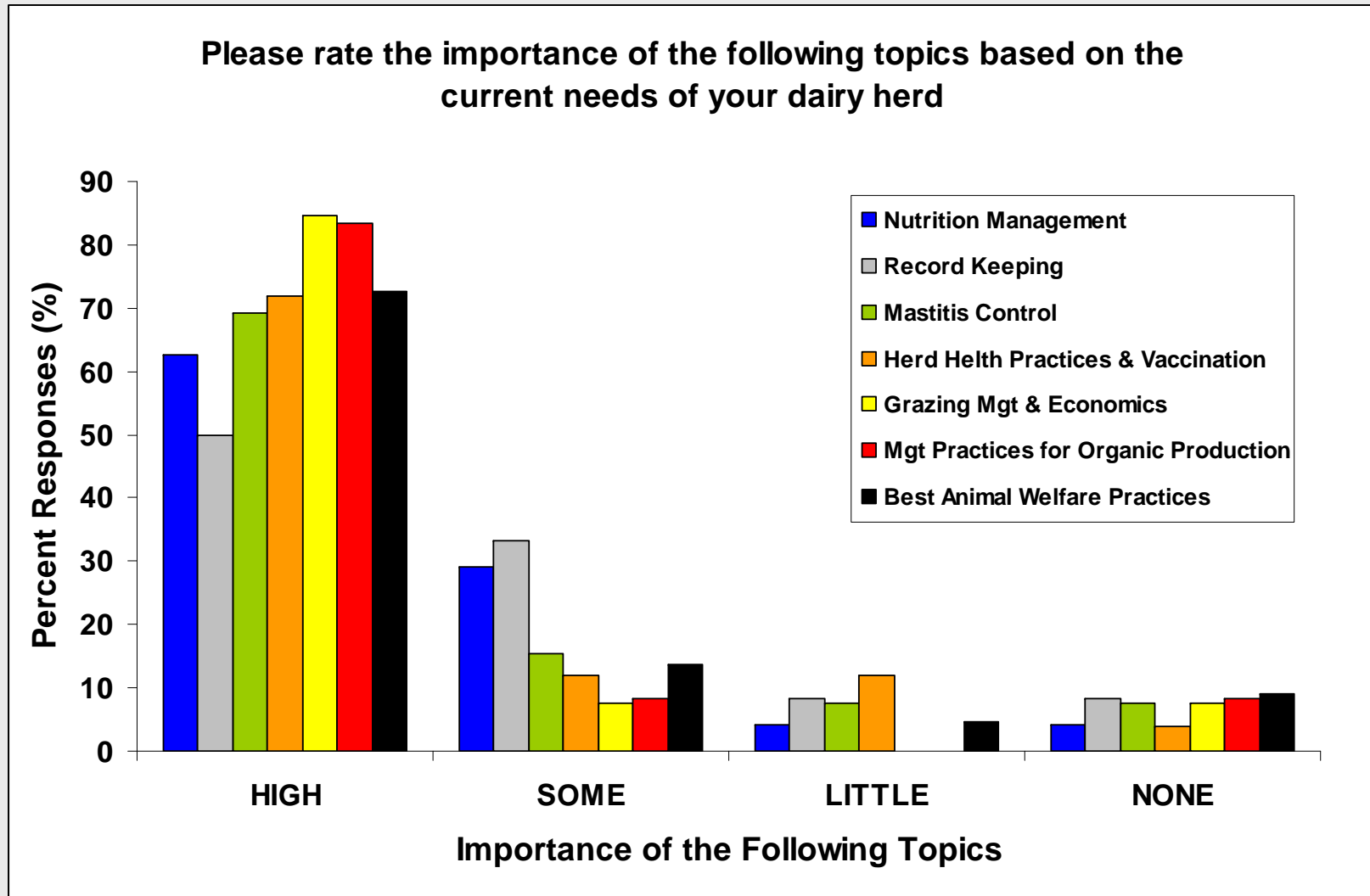
E-mail: rajala-schultz.1@osu.edu



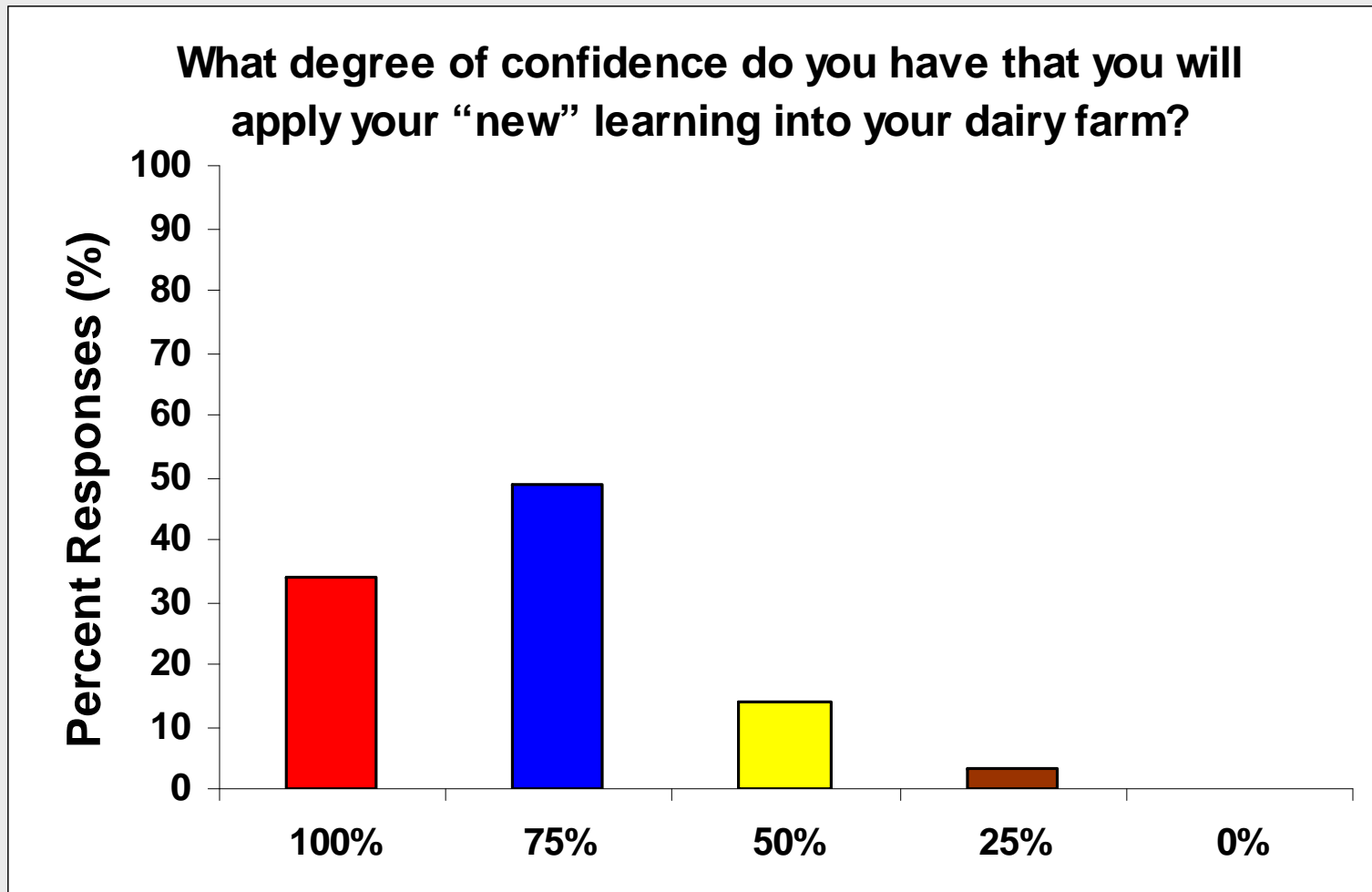
Dairy Herds by Size in Ohio



Identified Needs for Certified Organic Dairy Producers in Ohio



Hands-on Demonstration Is Key to Improve Confidence at the Farm



(On-going Extension program for conventional and certified organic dairy herds and their veterinarians)

OSU Veterinary Extension
Gustavo M. Schuenemann, DVM, MS, PhD

Identified Needs for Veterinarians Working with Organic Herds

- **Research-based practices for herd health:**
 - Uterine diseases (e.g., metritis/edometritis)
 - Mastitis control
- **Allowed drugs, additives, vitamins, & minerals (Following the organic standards)**
- **Nutrition management under grazing conditions**
- **Economics of organic dairy system**
- **Opportunities for continuing education**

Shared Benefits for Organic and Conventional Dairy Producers

- **Development of effective therapeutic alternatives for uterine diseases without the use of antimicrobials**
- **Risk management of growing antimicrobial resistance**
- **Building active communication channels and appreciation between groups**

From: Gerry Cysewski [gcysewski@cyanotech.com]
Sent: Thursday, September 29, 2011 5:11 PM
To: AMS - 2011organiclistening
Subject: Organic aquaculture standards
Attachments: Cyanotech Public Comment to Organic Listening 9 29 11.docx; Cyanotech Public Comment to Organic Listening 9 29 11 .PDF

Please find my comments to the Organic Listening attached; a word document letter and signed PDF letter. Thank you.

Best regards,

Gerry

Gerald R. Cysewski, Ph.D.
Chief Science Officer
Executive Vice President

Cyanotech
73-4460 Queen Kaahumanu Hwy. Suite 102
Kailua-Kona, HI 96740

Main Phone: 808.326.1353
Direct Phone: 808.334.9420
Fax: 808.329.3597
www.cyanotech.com

STATEMENT OF CONFIDENTIALITY: The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify either the sender or Cyanotech Corporation at 808 326-1353 and destroy all copies of this message and any attachments.

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

September 29, 2011

Re: Public Listening Session, USDA Activities & Priorities
Related to Organic Agriculture & Markets

Dear Ladies and Gentlemen,

Cyanotech Corporation, located in Kailua-Kona, Hawaii, is a major producer of aquatic plants. We operate a ninety acre facility and are one of the world's largest commercial producers of both Spirulina microalgae and Haematococcus microalgae.

I wish to commend the work of the Aquaculture Working Group (AWG) and the National Organic Standards Board (NOSP) on the development of proposed organic standards for aquatic animals and plants, including microalgae.

USDA Organic Certification is very important for Cyanotech, our customers, and final consumers of our products. Cyanotech will diligently work to achieve USDA Organic Certification once we have assurances that the NOSB recommendations are moving towards adoption in the National Organic Program (NOP) final rule.

I urge USDA to move forward into final rulemaking with the NOSB recommendations for organic aquaculture.

Sincerely,



Gerald R. Cysewski, Ph.D.
Chief Science Officer
Executive Vice President



September 28th, 2011

2011OrganicListening@AMS.USDA.gov

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

Re: Public Listening Session, USDA Activities & Priorities Related to Organic Agriculture & Markets

Ladies and Gentlemen:

Your Public Listening Initiative prompted me to submit comments as president and founder of SweetSpring Salmon, Inc.

SweetSpring's freshwater Pacific Coho salmon are grown in land-based containment facilities. These facilities are substantially different from conventional net-pen salmon farms. Because of our land-based freshwater systems, we avoid escapements, disease transfer to wild stocks, and environmental contamination from feces and other waste. These positive attributes have earned the coveted Seafood WATCH® "Super Green" status by the Monterey Bay Aquarium. This unique ranking and validation, we hope, should assist us in obtaining organic certification of our production methods and our salmon products.

Organic certification is of logical interest to us since we overcome most, if not all, the common objections to farmed salmon in a manner consistent with organic principles. We await initiation of final rulemaking by the 2009 National Organic Standards Board organic aquaculture recommendations to consider conversion to organic production.

We believe that our products, and other superior aquaculture products grown to organic principles, should qualify for the valuable USDA Organic Label. Our inability thus far to obtain organic certification in the United States unfairly discriminates us against imported foreign aquaculture products as well as other animal protein products preferred by organic consumers.

Demand for our products is strong, and I believe that the establishment of organic standards for farmed fish and shellfish will create additional new demand that will require us to expand production to create good jobs in rural United States. At present most farmed salmon of lesser

quality is imported from foreign operations. All of our operations are in rural Washington State and Montana.

I have followed the deliberations of the NOSB relative to aquaculture over the past decade. In the course of their deliberations, NOSB has considered a wide range of issues, including extensive public comments to develop and recommend standards. I am familiar with many of the public issues concerning conventional salmon farming and I believe that the NOSB recommended standards are the result of very careful considerations of these issues. At this point I doubt new and substantive objections will be received from public comment during final rulemaking.

Furthermore it is my observation that since NOSB's recommendations in 2009, there has been a lack of movement by the National Organic Program towards establishing these recommendations in the USDA organic Final Rule. I therefore urge NOP to process its final rulemaking effort in a timely manner for the benefit of the US rural farming community.

These farmers like us, in the absence of US organic standards, see US retailers that are forced to import foreign certified salmon to meet their customers demand. This situation creates confusion and damages the USDA Organic label. Thus it is paramount for us as domestic farmers to obtain one practical and controlling standard that is reflected in one organic label. This goal is achievable by amending the Final Rule to include NOSB recommendations. My first-hand experience in the US salmon market is that US consumers seek assurances brought by such label. Thus a USDA Organic label will bring considerable value to our rural farmers and provide assurances to the American seafood consumers.

I urge USDA to immediately commence Final Rulemaking for organic aquaculture.

Respectfully

Per O. Heggelund
President and Founder
SweetSpring Salmon, Inc.
2301 NE Blakeley Street, Suite 101
Seattle, WA 98105

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

September 30, 2011

Re: Public Listening Session, USDA Activities & Priorities Related to Organic Agriculture & Markets

To whom it may concern:

I am pleased to submit the following comments to you in response to your invitation to submit written comments for Public Listening related to the subject of Organic Aquaculture Standards.

I represent a company who has been developing algae based feed ingredients with a primary emphasis on fishmeal and fish oil replacement products. Early in our development efforts, we identified the benefits associated with organic based ingredients based on their growing acceptance within the US. This continues to be an area of interest to us and our desire continues to be to develop and commercialize feed ingredients for use in the aquaculture / agricultural segment which are organic.

Our dilemma, however, is that we have been monitoring the progress of this effort (through the Aquaculture Working Group) and have been waiting in anticipation for a Final Ruling to be issued by the USDA related to Organic Standards for Aquaculture. Without this being clearly defined, we are forced to make a decision: either adopt organic certification from outside of the US or to cancel this aspect of our strategy. Earlier this year, we made the difficult decision to cancel an exploratory investigation into a fish oil replacement product due to this uncertainty and without some assurance of progress in the Final Ruling process, we are once again, facing a decision on whether or not to cancel inclusion of a US based Organic Certification in our product development / commercialization efforts.

We would encourage the USDA to promptly proceed with the Final Rulemaking process related to Organic Certification for Aquaculture. From a feed ingredient perspective, we believe the technology to meet this standard exists today within the US and would like to commercialize products associated with it. We will continue to support the efforts of the Aquaculture Working Group and look forward to a positive decision on behalf of the USDA in this matter.

Regards,

Rick Johnson, President
Advanced Algae Solutions

Sent: Friday, September 30, 2011 9:28 AM
To: AMS - 2011organiclistening
Subject: USDA Activities and Priorities Related to Organic Agriculture and Markets
Attachments: 2011_09_30_09_21_11.pdf

Dear Sir / Madam:

Please note the attached file containing a letter to be submitted for consideration to the USDA NOP (Organic Working Group).

Sincerely,
Richard C. Martin Jr.

Black Pearl Seafood, LLC

7 Fid Kennedy Avenue
Boston, MA 02210

United States Department of Agriculture
Organic Working Group and National
Organic Program
1400 Independence Avenue SW
Washington, D.C. 20250

September 30, 2011

Re: Public Listening Session
USDA Activities & Priorities
Related to Organic Agriculture & Markets

Dear Ladies and Gentlemen:

I am contacting you as a consumer, as an owner of a business which has been actively involved in the aquaculture industry (32 years) and as a citizen of the United States of America.

I have personally addressed and submitted testimony to the NOSB on 4 occasions over the past several years in regard to the recommendation to develop Organic standards for aquatic species.

The realization that I (as a private citizen) could submit and become directly involved in this open process was both revealing and inspirational. Prior to my involvement in the Public Comment sessions I had not been aware of the openness provided in the process and found that experience to be enlightening to the extent my opinions about the procedures and machinations of our Federal Government have changed.

This realization erased some personal cynicism I harbored toward the process of rule making and made me realize my ignorance of the process inhibited my involvement and was a lesson worth learning (and one which I described and extended others).

During the process of testifying before the NOSB (and watching, listening and reading the comments submitted by others to the NOSB) I came to admire the commitment and tenacity displayed by the board as they waded through reams of documents and considered hours of verbal testimony.

The dealings with the NOSB faded however during the last (November, 2009) session when I realized the board members were no longer considering the comments, facts and opinions and instead were indelibly divided into two distinct and unfortunately political camps. Gone was the ideal that the NOSB was open to listening to cogent and intelligent argument; instead pre-determined bias and personal position replaced open consideration. I realized on that occasion my words were falling on deaf ears and closed minds; the deal had been done, the NOSB would kick the can forward and relinquish further consideration of the facts and arguments without successful final recommendations.

As disappointing as that experience was, my cynicism has not returned; I am hopeful and I do expect the NOP to revert to open and thoughtful consideration. I could summarize all the arguments I have offered to date and support the many valid positions stated on public record as to why the USDA should move toward Final Rulemaking for Organic standards for aquatic species at this time but that has no purpose; the arguments have been made. All I can do is to urge the NOP to refrain from falling into the cynical trap of prejudiced thought and to openly consider how to create Final Rules for aquatic species as they have for terrestrial species. Final Rules are after all created; it is time to do just that, create them.

Sincerely,


Richard Martin



Attached are comments from the International Food Additives Council (IFAC) regarding the USDA Organic Listening Session.

We appreciate the opportunity to comment.

Best Regards,

Haley Curtis Stevens, Ph.D.
Executive Director
International Food Additives Council
1100 Johnson Ferry Road, Suite 300
Atlanta, GA 30342
P (678) 303-3010
F (404) 252-0774
E hstevens@kellencompany.com



1100 JOHNSON FERRY ROAD, SUITE 300 • ATLANTA, GEORGIA 30342
(404) 252-3663 • FAX (404) 252-0774 • E-mail: ifac@kellencompany.com

USDA Activities & Priorities Related to Organic Agriculture & Markets
Jefferson Auditorium, USDA South Building
1400 Independence Avenue SW | Washington, DC 20250

September 30, 2011

Re: USDA Public Listening Session on NOP

To Whom It May Concern:

The International Food Additives Council (IFAC) is an international association representing companies that produce high quality substances used worldwide as food ingredients, including food additives and GRAS substances. We have actively participated in the National Organic Program (NOP), providing written and public comment at National Organic Standards Board (NOSB) meetings. Through this work, we have made some observations regarding the NOSB's structure and process that we would like to share with the NOP.

We believe that the structure of the NOSB is unbalanced and should be revised to include additional food scientists. Currently, the NOSB only has allocated representation for one food scientist, which gives the Board limited expertise in determining the suitability and evaluating the criteria for various food ingredients to be included in the National List. Having only one food scientist severely limits the expertise in NOSB's decision making in this regard. We understand this would require rulemaking, but strongly recommend NOP initiate this process, as we believe this would greatly benefit the NOP.

Additionally, we have concerns with the cumbersome process with which the NOSB operates. NOSB meetings tend to be very long and frequently run behind schedule, making it difficult to know when an agenda item will be discussed. Oral presenters often come long distances and may be forced to stay for several days, then allowed only a few minutes to present, even if more than one agenda item needs to be covered. We have concerns with this process, as it does not allow adequate time for consideration of important proposals or discussion and questions during the NOSB meetings. We strongly urge NOP to revise this process and better manage the timing of the NOSB meetings.

We are happy to discuss these suggestions further and appreciate the opportunity to comment.

Thank you.

A handwritten signature in black ink that reads "Haley Stevens". The signature is written in a cursive, flowing style.

Haley Stevens, Ph.D.
Executive Director
International Food Additives Council

Ladies and Gentlemen

Please push this process further so we can achieve a real marketable Organic Standard for Aquaculture. As a person directly involved in both the retailing and importation of seafood I cannot emphasize how we are missing a huge business opportunity without a standard. It is painful to see Europe take the lead on what was always an American position in progressive food retailing.

Thank You

Steven Damato

2109 R Street, N.W
Washington, D.C. 20008
202.669.6603 (mobile)
www.noras.com
www.bluecirclefoods.com



**NATIONAL
FISHERIES
INSTITUTE**

7918 Jones Branch Drive, Suite 700

McLean, VA 22102

703-752-8880

United States Department of Agriculture
Organic Working Group and National Organic Program (NOP)
1400 Independence Ave., SW
Washington, D.C. 20250-2240

2011OrganicListening@AMS.USDA.gov

Dear Sir or Madame:

National Fisheries Institute (NFI) is pleased to offer the following comments to the USDA NOP. NFI is the nation's leading advocacy organization for the seafood industry. Its member companies represent every element of the industry from fishing vessels at sea to the national seafood restaurant chains. From responsible aquaculture, to a marketplace supporting free trade, to ensuring consumers have the facts on the health benefits of fish and shellfish, NFI and its members support and promote sound public policy based on scientific research.

NFI has been an active participant in USDA review of organic seafood since 2007. Our involvement has included written and oral comment to the NOP. Given the extensive opportunities for all stakeholders to comment, NFI suggests USDA move to rulemaking.

The lack of clear and specified rules prevents NFI members from providing organically aquacultured, nutritious products to a market that some consumers seek.

Seafood was highlighted as the food needed in a healthy diet and lifestyle in the 2010 USDA Dietary Guidelines for Americans. Organic would give seafood even more appeal for certain groups of consumers. NFI rates the establishment of organic standards for farmed fish and shellfish high on the priority list of USDA activities for the coming fiscal year. We urge USDA to proceed with rulemaking.

Sincerely,



Barbara Blakistone, Ph.D.
Director, Scientific Affairs
National Fisheries Institute
McLean, VA 22102
703-752-8887 (office)
www.aboutseafood.org

From: jhanson@icta.org
Sent: Friday, September 30, 2011 3:47 PM
To: AMS - 2011organiclistening
Cc: Lipson, Mark
Subject: International Center on Technology Assessment comments on traceability of cloned animals by pedigree and herd registry
Attachments: Comments on Cloning from Jaydee Hanson USDA NOC listening session.pdf

Dear Mr. Lipson:

I have attached the comments that I presented at the listening session last week. I hope the USDA will see that the breeding associations and their herd registries have already been tracking the status of clones and their offspring. I would be happy to come and meet with you as to how the National Organic Program could easily use this model to track the exclusion of clones and their offspring from organic food.

Comments from Jaydee Hanson, Policy Director, International Center for Technology Assessment

To National Organic Program, US Department of Agriculture

September 20, 2011

I appreciate this chance to talk with the National Organic Program about what I think is a way to implement the National Organic Standards Board March 2007 recommendation on excluding farm animal clones and their offspring from the organic market.

I have a lifelong interest in cattle breeding, so I am presenting you a table of some of the cattle breeding associations that already have adopted policies requiring information on whether an animal is a clone or descended from a clone. Pig registries and goat registries also require cloning status, but given that most of the cloned farm animals are cattle, I think this chart and the accompanying appendix, including the text of the cloning registry requirements for many of the breeds, is a good example of how tracking of clones and their offspring are being tracked by the breeding associations.

Moreover, all of the beef breeds with large numbers of animals going to market: Angus, Herefords, and Texas Longhorns—have requirements for tracking clones and their progeny. All four of the major Dairy breeds—Jersey, Holstein, Guernsey, and Brown Swiss have similar requirements.

Many organic farmers already keep pedigrees on their animals and for the ones that do not, a requirement that they verify the pedigree of an animal is no more complicated than other requirements that they implement to have their products certified as organic.

It will be more and more important that the US National Organic Program implement the recommendation of the NOSB on clones and their progeny. The Canadian Organic Standard was amended to exclude clones and their offspring from organic in 2008. The Soil Association of the UK, which administers organic standards for the UK, has a campaign to get Europe to ban clones and their offspring altogether. Indeed, the new European rules on novel foods were derailed this year due to a conflict between the European Parliament and the European Commission on whether clones and their offspring should be permitted in the EU marketplace.

US organic farmers who export meat and milk products to other countries will be disadvantaged if the US National Organic Program fails to adopt a clear exclusion of clones and their offspring from the market. I believe that clones and their offspring could be easily tracked through pedigrees. The few herd registries that do not track cloning status, could easily adopt the rules that other breeding associations have already adopted.

This is the simplest way to implement the recommendation of the National Organic Standard Board from March 2007. I and my colleagues would be glad to help you in any way we can.

<u>Name of Association</u>	<u>Rules</u>
BEEF	Register Clone status in Pedigree
American Angus Association	<u>Yes</u>
Beefmaster Breeders United	<u>Yes</u>
American Akaushi Association	<u>Yes</u>
American Brahman Breeders Association	<u>Yes</u>
American Chianina Association	<u>Yes</u>
American Gelbvieh Association	<u>YES</u>
North American Limousin Foundation	<u>Yes</u>
American Maine-Anjou Association	Maybe
Red Angus Association of America	<u>Yes</u>
American Red Brangus Association	Yes
American Salers Association	Maybe
Santa Gertrudis Breeders International	<u>Maybe</u>
Senepol Cattle Breeders Association	Maybe
American Shorthorn Association	<u>Yes</u>
American Simmental Association	<u>Yes</u>
Texas Longhorn Breeders Association of America	<u>Yes</u>
American Hereford Association	<u>Yes</u>
DAIRY	
Holstein Association, USA Inc.	<u>Yes</u>
American Guernsey Association	<u>Yes</u>
American Jersey Cattle Association	<u>Yes</u>
Brown Swiss Cattle Breeder's Association of the U.S.A., Inc.	<u>Yes</u>

American Angus Association

Angus Information Management Software requires information on cloning status for both born calves and embryos. http://www.angus.org/Aims/helpfiles/UsersManual_Interactive.pdf

American Angus Association charges an additional \$50 to register a clone.

http://www.angusbeefbulletin.com/ArticlePDF/AJ0405_Assnhighlights.pdf

And separate registration of clones is required: http://www.angus.org/Pub/brg_part4.pdf

Registration applications for cell-clone animals also are available upon request from the American Angus Association. <http://www.angus.org/Pub/brg.pdf>

Form of application. A registration application must contain the following information:

- *Sex of animal to be registered.*
- *Date of birth.*
- *Name of the animal.*
- *Indication of whether or not the animal is the product of Artificial Insemination.*
- *Permanent identification marks.*
- *Registration number of the Sire.*
- *Registration number of the Dam.*
- *Name, location and Member Code of the First Owner.*
- *Completion, including signature, of the Breeder's Certificate, if required [see Rule 102(d)(3)].*
- *Completion, including signature, of the Bull Permit, if required [see Rule 102(d)(4)].*
- *Indication of whether the animal is a twin or of other multiple birth.*
- *AI Service Certificate, if required.*
- *Indication of whether the animal is a result of an embryo transplant.*
- *Completion date of embryo removal if the calf is the result of an embryo transplant, as well as indication of whether the calf resulted from split or cloned embryos.*

Each registration with the Association shall be assigned a registration number.

American Chiana Association

<http://www.chicattle.org/images/2011/pdf/ACAAppforRegistration.pdf>

Clone status required for herd registration.

American Akaushi Association

[https://americanakaushiassociation.com/uploads/American_Akaushi_Assn_Rules_Rev. 2-01-10.pdf](https://americanakaushiassociation.com/uploads/American_Akaushi_Assn_Rules_Rev._2-01-10.pdf)

American Gelbvieh Association

http://www.gelbvieh.org/goopages/pages_downloadgallery/downloadget.php?filename=13564.pdf&orig_name=gv_rules_9_2009_final.pdf

Calves Resulting from Cell-cloned Transplants.

1. *Only replication cell-cloned animals shall be eligible for registration. Genetically modified animals shall not be eligible for registration.*
2. *The cell-donor animal and the cell-cloned animal must be DNA-marker-typed.*
3. *The breeder of the cell-donor animal must be identified as the breeder of the cell-cloned offspring.*
4. *The owner of record of the cell-donor, on the date of biopsy removal, will be identified as the first owner, unless the calf is a result of a pregnant recipient, purchased embryo, fresh or frozen, in which case the purchaser may be identified as the first owner.*
5. *DNA-marker-typing of the recipient dam may be required by the Association.*
6. *Calves conceived after death of cell-donor animals shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.*
7. *Registration of cell-cloned transplants shall be made on a special form, provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.*
8. *Registration certificates issued for cell-cloned transplants shall be so designated. The registration number of the animal, which is being cell cloned, shall also be stated on the certificate of registration. Nothing set forth in this Rule 104(c) should be construed as an indication that the Association takes any*

position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion or negotiation between the buyer and seller. Cell-cloned transplants

The following requirements shall apply to the registration of calves resulting from cell-cloned transplants.

- 1. Only replication cell-cloned animals shall be eligible for registration.*
- 2. The cell-donor animal must be DNA-marker-typed by the official DNA testing laboratory of the AGA prior to harvest of genetic material. DNA-marker-typing of the cell cloned animal, and/or recipient dams, may be required by the Association.*
- 3. The suffix •\ETN. shall be added to the names of offspring resulting from cloning or other advanced reproductive technology. If cloned offspring are registered with the same name as the source animal, the name of each clone will be distinguished by a consecutive Arabic number preceding the suffix of •\ETN. starting with the digit •\2. (i.e., 2ETN or 3ETN). The sire and dam of a clone will be shown on the registration certificate as being the same as the sire and dam of the source animal, fetus or embryo.*
- 4. When cloned calves are registered, the breeder of the entity from which the nuclear material originates will be recorded as the breeder of all resultant offspring and that breeder •fs prefix will be used in the naming of each clone.*
- 5. The owner of record of the cell-donor on the date of biopsy removal, shall be identified as the first owner, unless the calf is a result of a pregnant recipient, purchased embryo, fresh or frozen, in which case the purchaser will be identified as the first owner. If the applicant for registration is other than the breeder, the written transfer of ownership of the cell-cloned animal from the breeder to the applicant must be documented as required by the Association.*
- 6. Calves conceived after death of nuclear material-donor animals, shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.*
- 7. Registrations of cell-clone transplants shall be made on special forms provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.*
- 8. Registration certificates issued for cell-cloned transplants shall be designated. The name and registration number of the animal which is being cell-cloned, shall also be stated on the certificate of registration.*
- 9. The Association shall not be responsible for determining the ownership rights of any retained cell material, if any. Ownership rights shall be determined by the original written agreement between the owner of the cloned animal and the purchaser of the cell-cloned transplant(s).*
- 10. Even though clones will share the same genetic information, only those production and classification records from each specific animal will be displayed on its own performance products.*
- 11. All other requirements for the registration of offspring resulting from embryo transfer not inconsistent with these rules and rules regarding the sale and transfer of embryos will also apply to cell-cloned transplant(s).*
- 12. The Association shall develop forms necessary to identify the source of the nuclear DNA, the host cytoplasm/oocytes and a certificate of embryo production from the combination of such nuclear material and host cytoplasm/oocytes.*

Beefmaster Breeders United

<http://www.beefmasters.org/PDFs/2009/Policies%20and%20Procedures/Procedures%20Handbook/Member%20Handbook%20Policies%20&%20Procedures%202009.pdf>

CLONES: Only BBU replication cell-cloned animals shall be eligible for registration and eligible to sell in BBU Voluntary Approved Sales. Genetically modified animals shall not be eligible for registration and cannot sell in BBU Voluntary Approved Sales. Cloned animals shall be guaranteed by the seller(s) to be breeders under the same terms of this agreement for females and bulls. ALL ADDITIONAL GUARANTEES WITH RESPECT TO CLONES SHALL BE A SEPARATE AGREEMENT BETWEEN BUYER AND SELLER.

BULLS: If within one-hundred twenty (120) days from

American Hereford Association

http://hereford.org/static/files/HB11_4_AHARulesAndRegs.pdf

SECTION VIII: RULES REGARDING CLONES

Rule 1. ONLY REPLICATION CELL-CLONED animals shall be eligible for registration.

Rule 2. THE CELL DONOR animal must be DNA-marker typed.

Rule 3. THE BREEDER of the cell-donor animal must be identified as the breeder of the cell-cloned offspring.

Rule 4. THE OWNER OF RECORD of the cell-donor, on the date of biopsy removal, will be identified as the first owner, unless the calf is the result of a pregnant recipient, purchased embryo — fresh or frozen — in which case the purchaser may be identified as the first owner.

Rule 5. DNA MARKER typing of the cell-cloned animal, or recipient dams, may be required by the Association.

Rule 6. CALVES CONCEIVED AFTER DEATH of cell-donor animals shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.

Rule 7. REGISTRATION OF CELL-CLONED transplants shall be made on a special form, provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.

Rule 8. REGISTRATION CERTIFICATES issued for cell-cloned transplants shall be so designated. The registration number of the animal, which is being cell-cloned, shall also be stated on the registration certificate.

Rule 9. NOTHING SET FORTH herein should be construed as an indication that the Association takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion and/or negotiation between the buyer and seller.

Rule 10. INITIAL BREEDING VALUES – EXPECTED

PROGENY DIFFERENCES (EPDs) generated from National Cattle Evaluation for a cloned animal shall be the same values as the cell-donor animal. All data of future progeny from a cloned animal will be pooled with the cell-donor progeny data for genetic evaluation.

American Jersey Cattle Association

<http://www.usjersey.com/Programs/regrules.htm#Top>

Sec. 11. Application for registration of animals must give:

- (a) The sex of the animal.*
- (b) The name desired for the animal.*
- (c) The date of birth.*

- (d) *The animal's permanent identification.*
- (e) *Whether the animal resulted from artificial insemination.*
- (f) *Whether or not the animal is a twin.*
- (g) *Whether the animal is polled or horned.*
- (h) *Whether or not the animal is the result of embryo transfer or clone.*
- (i) *The name and Herd Register number of the sire.*
- (j) *The name and Herd Register number of the dam.*
- (k) *Signature and owner number of the applicant who shall be the first owner of the animals, defined in Rule II.*

Holstein Association, USA

http://aipl.arsusda.gov/publish/other/2002/submit_7wc_norhowp.pdf

Holstein Association USA first registered calves from embryo splitting in 1982 and from nuclear transfer in 1989. Although nuclear-transfer clones are expected to have nearly identical nuclear DNA, their mitochondrial DNA will differ. Unfortunately, almost no recording has been made of the identity of recipient cells.

Red Angus Association of America

www.redangus.org/node/105/Rules_and_Regulations.pdf

CLONE CALVES

1. *DNA Authentication – To be eligible for registration, both the genetic donor and clone must be DNA typed. The DNA of the clone must be compared to the DNA of the original animal, meeting the probability of exclusion values.*
2. *Name – Cloned animals will carry a unique name designated by the first owner of the clone but must carry the suffix of CLN (maximum of 28 characters including the CLN suffix).*
3. *Recorded Breeder – Breeder of the clone should be listed as the breeder of the genetic donor at the time the original animal was conceived.*
4. *Recorded Owner – Owner of the clone should be listed as the first owner of the cloned animal.*
5. *Registration Certificate – The word clone and the registration number of the genetic donor will be displayed on the registration certificate.*
6. *Consent – For a breeder to have the right to clone an animal, they must have written consent from all the owners of the genetic donor who are current members of the association. Written consent must accompany the cloned animal(s) application for registration.*

American Brahman Breeders Association

<http://www.brahman.org/PDFs/Join-ABBA/2011/rules-revised-2011.pdf>

CELL-CLONED TRANSPLANTS

The following requirements shall apply to the registration of calves resulting from cell-cloned transplants.

The registering breeder must be a member of the American Brahman Breeders Association.

Only replication cell-cloned animals shall be eligible for registration. Genetically modified animals shall not be eligible for registrations.

The cell-donor animal must be DNA Marker typed.

The breeder of the cell-donor animal must be identified as the breeder of the cell-cloned offspring.

The owner of record of the cell-donor, on the date of biopsy removal, will be identified as the first owner, unless the calf is a result of a pregnant recipient, purchased embryo, fresh or frozen, in which case the purchaser may be identified as the first owner.

DNA Marker typing of the cell-cloned animal, or recipient dams, may be required by the Association.

Calves conceived after death of cell-donor animals, shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.

Registration of cell-cloned transplants shall be made on a special form, provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.

Registration certificates issued for cell-cloned transplants shall be so designated. The registration number of the animal, which is being cell cloned, shall also be stated on the certificate of registration.

Nothing set forth herein should be construed as an indication that the Association takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion or negotiation between the buyer and seller.

American Shorthorn Association

http://www.shorthorn.org/Images/registration/rules/Rules%20%20Regs%20Aug15%202011_.pdf

CLONE ELIGIBILITY: The following points represent the ASA policy for the registration of cloned animal:

- 1. Only replication cell-cloned animals shall be eligible for registration. Genetically modified animals shall not be eligible for registration.*
- 2. The cell donor animal and the cell-cloned animal must have a DNA genotype and genetic defect status on file with the ASA and be included on the ASA Genetic Defect Status List (consistent with Rule III, Section 8 of this document).*

Brown Swiss Cattle Breeder's Association of the U.S.A., Inc.

<http://www.cyagra.com/brownswissreg.htm>

RULE 3 - REGISTRATION

O. Embryo Transplants:

- 1. The recorded owner of the transplanted embryo at the time of birth of the resulting calf shall be eligible to apply for a Certificate of Registry.*

2. A suffix must be included in the name of animals resulting from embryo transplants.
 - a. Animals resulting from single whole embryos must include the suffix ET in their name.
 - b. Animals resulting from split embryos must include the suffix ETS in their name.
 - c. Animals resulting from nuclear (cloning) embryos must include the suffix ETN in their name.

American Guernsey Association

<http://www.usguernsey.com/sales/national081315.pdf>

This link shows the sale of cloned Guernsey embryos. They are required to be named with the same name as the original animal with the prefix "CLX" following the name, where X = the number of clones in existence, i.e. the first clone would be CL2, the next CL3 etc.

The association, also, has policy on clones governing how pedigrees are printed that says that the original animal's genetic and performance data is used for young clones and then their own data is used when it is available.

North American Limousin Foundation

Now Lists Clone status in the pedigrees of animals it registers.

[2011 - Young Sire Trait Leaders - YW North American Limousin ...
www.nalf.org/pdf/2010/dec29/YSTLYWT.pdf](http://www.nalf.org/pdf/2010/dec29/YSTLYWT.pdf)

COLEMAN LIMOUSIN RANCH. **CLONE**-COLE FIRST DOWN 46D. 0.19. 0.35. 0.30. 0.24. 0.15. 0.18. P+. P. 0.19. 0.17. 0.17. 0.17. 03/12/2009. CHARLO, MT. 70 * ...

Registration Certificate

- *Registration Prefix and Number: NALF assigns each clone its own unique registration number with a prefix of CLN indicating a clone.*
- *Blood Type Case Number: For clones, this number indicates DNA authentication case number. Information as to the specific DNA markers used for validation is included in the case documentation.*
- *Name of Animal: NALF assigns names to clones using the name prefix CLONE- followed by the first 19 letters and spaces of the original animal from which the clone was developed.*
- *Calf Herd ID: Same as for non-cloned animals - assigned by breeder.*
- *Birth Date: Birth date of specific clone.*
- *Prefix, Tattoo, Location: Same as for non-cloned animals - unique tattoo assigned by breeder according to NALF rules for herd prefix, year letter and location.*
- *Ownership Date: Same as for non-cloned animals.*
- *Breeder: The breeder of a clone is the owner of the dam of the original animal at the time the original animal was conceived.*
- *Original Applicant: The original applicant of a clone is the person owning the original animal at the time the tissue sample is collected from which specific clones are produced.*

- *Note: The registration certificates for offspring of clones (sires and dams) identify the clone from which the offspring were produced through the cloned parent(s) name and registration number on the certificate.*

American Simmental Association

<http://www.simmental.org/userimages/Rules%20Bylaws%202011.pdf>

3. Registration of Clones:

- a. **General Definition of a Clone.** A clone is a genetic copy of an existing genotype arising from (a) splitting a fertilized egg; or (b) the fusion of a donor animal's cell nucleus with a recipient oocyte (unfertilized egg). Clones transmit nearly identical genetic value to their offspring as compared with the original animal.
- b. **Eligibility for Registration.**
 1. Only clones created via replication of cells shall be eligible for registration. Genetically modified animals shall not be eligible. A clone must meet all other applicable ASA standards for registrations.
 2. Clones may be created from fertilized eggs, cells from live animals or cells from deceased animals.
 3. The original animal or embryo must be DNA tested and registered with the ASA.
 4. A clone must be DNA typed to the original animal or embryo in the manner determined by the ASA to be eligible for registration.
- c. **Identification of Breeder.** The breeder of the cell-donor animal or embryo will be identified as the breeder of the cloned offspring.
- d. **Identification of Owner.** For clones obtained via nuclear transfer, the owner of record of the original animal, on the date of cloning, will be designated as the first owner of the clone. For clones obtained via the division of a fertilized egg, the owner of the divided embryo will be designated as the first owner of the clone.
- e. **Registration.**
 1. The first owner will be responsible for the registration and DNA verification of the original animal and clone.
 2. Registration of clones shall be made on a special application for registration and the owner must designate that the animal is a clone. All cloned animals will be charged regular registration and transfer fees plus an additional fee as determined by the Board of Trustees.
 3. Registration certificates for clones shall be so designated. The registration number of the original animal shall also be identified on the registration certificate.
 4. The registered name of individual clones must include the cell-cloned family name.
 5. All other standard registration requirements must be met.
- f. **Retained Genetic Material.** Nothing set forth herein should be construed as an indication that the ASA takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for discussion or negotiation between the buyer and seller.

Texas Longhorn Breeders Association of America

This association makes clear on its registration form that cloning status is to be included in the pedigree of the animal. See the form below:

<http://www.tlbaa.org/registration/forms/Registration%20Application.pdf>

Rules on cloning are here:

<http://www.tlbaa.org/tlbaa/TLBAA%20Handbook%202010.pdf>

F. TLBAA Rules of Registration of Clones

The following requirements shall apply to the registration of calves resulting from cell-cloned transplants:

- 1. Only replication cell-cloned animals shall be eligible for registration. Genetically modified animals shall not be eligible for registration. 2. The cell-donor animal must be DNA-marker-typed. A report of the results of DNA tests performed by the laboratory recognized by the TLBAA must be on file in the Association office prior to the registration of clones.*
- 3. Before individuals can be registered as clones, the clonal family (A clonal family is a group of individuals that have the same genotype; that is, all individuals are derived from the same cell line) must be certified with the TLBAA and given a TLBAA certification number. If it is determined that an animal appears in the lineage of a cell-donor animal, requesting Clonal Family Certification, that is eligible for TLBAA registration but cannot be traced within the TLBAA E.T. or A.I. certification requirements, the requesting cell-donor animal would not be eligible for certification.*
- 4. Clonal Family Certification requests submitted after October 1, 2006 will be subject to TLBAA Board approval.*
- 5. The TLBAA reserves the right to inspect any TLBAA registered animal identified as the cell-donor in all requests for a Clonal Family Certification with the cost of the inspection to be borne by the party seeking the clonal Family Certification.*
- 6. A clonal family must be established for each individual TLBAA registered animal identified as the cell donor.*
- 7. Individual clones must be DNA (Deoxyribonucleic Acid) typed to the clonal family.*
- 8. The registered name of individual clones must include the TLBAA Clonal Family Certification number. All other standard registration requirements must be met.*
- 9. The breeder of the cell-donor animal must be identified as the breeder of the cell-cloned offspring.*
- 10. The owner of record of the cell-donor, on the date of the biopsy removal, will be identified as the first owner; unless, the calf is a result of a pregnant recipient or purchased embryo (fresh or frozen) in which case the purchaser may be identified as the first owner.*
- 11. Calves conceived after death of cell-donor animals, shall be eligible for registration under the same conditions and provisions governing the eligibility of calves prior to the death of said animal.*
- 12. Calves resulting from multiple sire breeding, using only sires .. registered in the same clonal family, are eligible for registration. Resulting calves will be registered, using the Clonal Family Certification number. Individual registration numbers of all cloned sires must be provided at the time of registration of the calves.*
- 13. Registration of cell-cloned transplants shall be made on a TLBAA registration form, provided by the Association, at the regular fee, plus an additional fee as determined by the Board of Directors.*
- 14. Registration certificates issued for cell-cloned transplants shall be so designated. The Clonal Family Certification number of the animal, which is being cell-cloned, shall also be stated on the certificate of registration. Offspring of a registered clone, conceived by natural reproduction, shall be duly recorded in the Association herd book but shall carry a designation to denote clonal ancestry. Additionally, all TLBAA registered animals, with a lineage containing a cell-cloned transplant, will be identified with the designation in their TLBAA registration number.*
- 15. Nothing set forth herein should be construed as an indication that the Association takes any position as to the ownership rights, if any, of retained cell material. That is a separate matter reserved for*

discussion or negotiation between the buyer and seller. It shall be considered unethical and improper, at the time of sale of an animal, 27 Texas Longhorn Breeders Association of America to fail to fully disclose all information pertaining to ownership rights of retained cell material and/or cell line. A box on the TLBAA transfer form will be designated for the disclosure of any retained cell material and/or cell lines by the seller or previous owners of said animal.

16. In order to compile performance data, owners of all cell-cloned transplants will be encouraged to submit to the TLBAA: birthweight, and weight and horn measurements at six (6) month ..intervals until 3-years of age.

SOME CANADIAN AND EUROPEAN BREEDS WILL NOT REGISTER CLONES

Canadian Brown Swiss and Braunvieh Association

<http://www.clrc.ca/13by-laws.pdf>

The following Brown Swiss dairy animals are eligible for registration in the Brown Swiss Section of the Association Herd Book. No animals produced via clone or gene manipulation shall be eligible for registration.

Aberdeen-Angus Cattle Society (UK)

<http://www.aberdeen-angus.co.uk/wp-content/uploads/ByeLaws2011.pdf>

***Cloning** Any animal which is born as a direct result of cloning technology will not be eligible for entry into the Herd Book. Whilst it is acknowledged that cloned animals are entered into Herd Books of overseas societies, such animals will not be eligible for transfer into the Society's Herd Book. Progeny from such animals whether resulting from natural serv-ice, A.I. or E.T. will be eligible for entry into the Herd Book and their pedigree certificate marked accordingly.*

CANADIAN ORGANIC STANDARDS PROHIBIT CLONES & THEIR OFFSPRING

http://www.ocia.org/ResourceCenter/Training/COR_SP/COR_Stds_Final.pdf

1.4 Prohibited Substances, Methods or Ingredients in Organic Production and Handling

k. cloned farm animals and their descendants. A producer shall know the lineage of any non-organic animal brought under organic management.

I am also interested in what you may have learned about the report on the economic effects of cloning that was required in the 2008 farm bill report language.

Jaydee Hanson
Policy Director
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Supporting the ethical development and stewardship of seed

Comments Delivered by Kristina Hubbard, Director of Advocacy, Organic Seed Alliance

U.S. Department of Agriculture | Organic Working Group | National Organic Program
Listening Session on USDA Priorities and Activities Related to Organic Production and Markets

September 20, 2011

Good afternoon. Thank you for hosting today's listening session on such an important subject. My name is Kristina Hubbard and I'm the director of advocacy for Organic Seed Alliance, a national organization that advances the ethical development and stewardship of the genetic resources of agricultural seed. Our research and education programs engage farmers and other seed professionals in developing regional and decentralized seed systems that provide biologically diverse seed options appropriate for organic farming systems. And we aim to influence policy decisions that impact the integrity of the seed systems we help create.

Earlier this year, OSA released its State of Organic Seed report, the first comprehensive analysis of the opportunities and challenges in building the organic seed sector. Our data shows that while farmers report increased attempts to source organic seed, the lack of organically bred and produced seed remains a major barrier to the growth and ongoing success of organic farming. Organic producers are underserved in genetics specifically adapted to their cropping systems, regions, and market niches.

We conducted a survey of certified organic farmers in 45 states and found that more than 80% of respondents believe that varieties bred for organic systems are important to the overall success of organic agriculture. Yet investments in organic seed projects lag behind the enormous growth of the organic sector, now valued at \$29 billion in 2010 alone. Investments in organic seed projects total \$9 million, but that's over the course of 14 years.

Here's one way the department can intensify its support for organic agriculture. OSA has been facilitating an Organic Plant Breeding Working Group, made up of about a dozen public plant breeders across the U.S., and they relay that they need USDA to increase support for long-term organic plant breeding projects. Our research shows that many past organic breeding projects did not produce finished varieties, in part because most grants only cover 1 – 4 years of work. Breeding projects often take 4 – 12 years to reach a final product ready for release.

We need longer term funding and more funding for important research programs such as the Organic Research and Education Initiative.

Funding is also needed to support field trial networks that assess germplasm in organic production systems. When optimum genetics are identified, funding is needed to help educate breeders and farmers producing seed on how to commercialize a new variety.

Finally, funding farmers' involvement in participatory breeding projects is a golden opportunity to support family farmers while creating infrastructure for developing more choice in the

marketplace in the face of a highly consolidated seed industry dominated by non-organic interests.

Supporting the ethical development and stewardship of seed

Rebuilding public plant breeding programs is therefore essential to expanding choice to meet the diverse needs of organic farmers and support the public interest. The National Institute for Food and Agriculture must honor a clear mandate from Congress to provide meaningful funding for the development of public plant varieties. We also support creating an Institute for Seeds and Breeds for the 21st Century, a distinct sub-agency within USDA's National Institute for Food and Agriculture to address this urgent need to adequately fund classical plant breeding.

It is especially important that USDA-funded research remain in the public domain to ensure public access to germplasm and prevent the further consolidation of our nation's plant genetic resource base.

The 2010 competition workshops that USDA hosted in partnership with the Department of Justice ignited hope in farming communities, including the organic community. They were hopeful that agencies were confronting the abuse of market power, especially the abuse of utility patents on plant genetics. Yet neither USDA nor DOJ seem inclined to even publish a report in response to the thousands of public comments personally delivered at the 2010 workshops. We urge USDA to continue working with DOJ and to release a report, and, ideally, a plan of action.

We know that research and development has largely narrowed to focus on other industry interests, in particular biotechnology, which brings me to my last point.

USDA can better support growth in the organic sector by confronting the challenges of contamination by unwanted genetically engineered material, and implementing policies that ensure a shared responsibility for contamination prevention. USDA should implement mandatory contamination prevention measures for those who adopt the technology, since the burden of prevention currently resides solely with non-adopters of the technology.

Such measures must be coupled with a compensation plan – paid for by patent holders promoting and profiting from the products – to cover costs for those immediately harmed by contamination as well as costs associated with contamination prevention. Seed companies selling at-risk organic field crops relay that contamination happens and they incur financial losses on account of it, with no recourse for recouping these losses.

This is why it is especially disconcerting that USDA is signaling a move to limit its regulatory authority instead of strengthening oversight in the face of contamination events and recommendations by independent government offices, including the Government Accountability Office and the agency's own Inspector General.

For example, USDA is exploring options that would advance an already largely self-regulating system. One of these options would allow manufacturers of regulated products to perform their own environmental assessments, a necessary step for deregulation. This proposal presents an

indisputable conflict of interest. Studies that are scientifically rigorous and conducted by independent third parties have never been more important for reviewing the performance and safety of genetically engineered products. USDA must use its regulatory authority under existing law.

Thank you for the opportunity to provide comments.

Supporting the ethical development and stewardship of seed

TO: USDA Organic Working Group & National Organic Program
FROM: Organic Plant Breeding Working Group
RE: USDA Priorities and Activities Related to Organic Production and Markets
DATE: September 30, 2011

We are writing as members of the Organic Plant Breeding Working Group, a diverse group of stakeholders in the organic community working to develop methods, systems and infrastructure to support and increase public plant breeding programs focused on organic systems. Thank you for the opportunity to comment on USDA's priorities and activities related organic production and markets. The lack of organically bred and produced seed remains a major barrier to the growth and ongoing success of organic farming. Organic farmers are underserved in genetics specifically adapted to their cropping systems, regions, and market niches. Furthermore, Organic Seed Alliance's 2010 organic farmer survey found that more than 80% of respondents believe that varieties bred for organic systems are important to the overall success of organic agriculture. Yet investments in organic seed projects lag behind the enormous growth of the organic sector, now valued at \$29 billion in 2010 alone. Investments in organic seed projects total \$9 million, but that was over the course of 14 years.

As public breeders involved in serving the organic sector, the following actions are priorities for USDA as they relate to organic agriculture:

- Rebuild public plant breeding programs through added investments;
- Honor a congressional mandate to fund classical plant breeding projects;
- Increase support for long-term organic plant breeding projects;
- Fund field trial networks for assessing germplasm;
- Spur entrepreneurship by re-building the public-private seed pipeline;
- Provide resources to farmers who maintain and improve plant genetic resources;
- Ensure plant varieties developed in the public domain are available to the public;
- Revitalize support for USDA's National Plant Germplasm System; and
- Invest in research to explore alternative intellectual property models.

Rebuilding public plant breeding programs is essential to expanding choice to meet the diverse needs of organic farmers and support the public interest. The National Institute for Food and Agriculture (NIFA) must honor a clear mandate from Congress to provide meaningful funding for the development of public plant varieties. We also support creating an Institute for Seeds and

Breeds for the 21st Century, a distinct sub-agency within USDA's National Institute for Food and Agriculture to address this urgent need to adequately fund classical plant breeding.

In recent decades, public resources for classical plant breeding have dwindled, while resources for other industry interests such as biotechnology have increased. In fact, last week NIFA announced that more than \$4 million dollars are being invested through awards for biotechnology projects.

Congress mandated in the 2008 Farm Bill that classical plant breeding be a priority within the Agriculture and Food Research Initiative (AFRI). There have been other requests by congressional agriculture committees for USDA to make classical plant breeding a priority. Yet USDA has failed to fund classical plant breeding projects through AFRI. In a recent analysis by the National Organic Coalition, it was shown that of the 127 plant-related research projects funded by AFRI since the passage of the 2008 Farm Bill, only one classical breeding project has been funded.

One RFA process remains for the AFRI program prior to the 2012 Farm Bill. We urge USDA to include a clearly segregated funding stream for classical plant breeding within this upcoming RFA, with a clear requirement for the development and release of public plant varieties as part of the requirements for receiving funding.

At times organic breeding projects cannot produce finished varieties because most grants cover 1 – 4 years of work. Breeding projects often take 4 – 12 years to reach a final product ready for release. We need longer term funding and more funding for important research programs, including the Organic Research and Education Initiative.

According to OSA's farmer survey mentioned above, and according to recent research from the Universities of Washington and Nebraska, organic farmers need genetics that are optimal for their production systems. In order to provide organic farmers with the best genetics for their environments, funding is needed to support rigorous field trials that assess germplasm in organic production systems, and to disseminate the results to the organic farming community.

Funding is also needed to help complete the pipeline to bring promising germplasm into the marketplace. Many independent seed companies do not have the capacity to manage the plethora of intellectual property agreements and foundation seed increases required to commercialize new organic germplasm. Making funds available for non-profits or universities to serve as a hub of information sharing, negotiations, and foundation seed production coordination would go a long way in supporting the growth of the organic seed sector.

USDA can also better support organic agriculture by financially supporting farmers involved in maintaining and improving plant genetic resources. Once the primary stewards of our seed, farmers have rapidly been removed from conservation and crop improvement efforts. One opportunity is to fund farmers' involvement in participatory breeding projects. Funding these projects is an excellent way to support family farmers while creating the infrastructure for developing more choice in a seed industry currently dominated by large, non-organic interests.

It is tremendously important that USDA-funded research remain in the public domain to ensure public access to germplasm and prevent the further consolidation of our nation's plant genetic resource base. Restrictive intellectual property protections, and the licensing agreements that go with them, are a risk to the expansion of the seed marketplace. Revitalizing support for USDA's National Plant Germplasm System would also support the organic sector. This agency has recently had to make cuts because of decreased federal funding. This is one of the few remaining places where breeders can obtain publically accessible germplasm to further innovation, including for the organic sector. Lastly, to halt some of the troubling trends that we've seen as a result of the current intellectual property regime, funding is needed for projects that look into alternative intellectual property models that ensure broad access to germplasm, fairly compensate plant breeders for their contributions, and foster the maintenance and improvement of genetic and biological diversity.

Thank you again for the opportunity to provide comments. Please let us know if we can answer any questions or be of further assistance.

Sincerely,

Jared Zystro
California Research and Education Specialist
Organic Seed Alliance

Dr. Bill Tracy
Interim Dean and Director
College of Agricultural and Life Sciences
University of Wisconsin – Madison

Sarah Carlson
Research and Policy Director
Practical Farmers of Iowa

Kristina Hubbard
Director of Advocacy
Organic Seed Alliance

Dr. Stephen Jones, Director
Mount Vernon Northwestern Washington
Research & Extension Center
Washington State University

Dr. James R. Myers
Baggett-Frasier Professor of
Vegetable Breeding and Genetics
Oregon State University

Matthew Dillon

Cultivator
Clif Bar Family Foundation/Seed Matters

Micaela Colley
Executive Director
Organic Seed Alliance

Richard Little
Organic Wheat Breeding Specialist and Coordinator
University of Lincoln – Nebraska

Dr. John Navazio
Senior Scientist, Organic Seed Alliance,
Plant Breeding and Seed Specialist,
Washington State University

September 30, 2011

United State Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington DC 20250

Dear Members of the Organic Working Group and National Organic Program,

On behalf of the grower members of Pacific Coast Shellfish Growers Association (PCSGA), I am requesting that USDA to take action on organic standards for aquaculture products. Specifically, USDA should move on final rulemaking and the recommendations submitted by the National Organic Standard Board (NOSB) in 2010.

I understand that the NOSB submitted their final recommendations to the National Organic Program (NOP) for final rulemaking in 2010. However, NOP has since failed to initiate the process required for organic aquaculture products to be certified and sold with the USDA Organic Label. PCSGA's previous Executive Director, Robin Downey, as well as PCSGA member Ralph Elston have spent time a great deal of time participating on the Aquaculture Work Group. This Work Group was led by George Lockwood and formed the basis of the NOSB's recommendations.

The time to offer an organic label for commercially grown shellfish is now. Consumers are eager to purchase organic products and recent Dietary Guidelines for Americans recommend that consumers double consumption of seafood for a healthy diet and lifestyle. In addition, given the current economic climate, the introduction of organic standards for shellfish may boost interest

in shellfish aquaculture development, and provide incentives for entrepreneurs to pursue new markets and products. A USDA Organic Label may ultimately result in job creation in areas where shellfish aquaculture occurs – in rural coastal communities.

As one of the few food groups that does not currently have the ability to receive an USDA Organic label, shellfish should be receive the same opportunity as other food sources. A USDA Organic label will bring value to shellfish products grown by members of PCSGA and will offer quality assurances to consumers. I urge USDA to act on the previously submitted recommendations of the National Organic Standards Board and offer an Organic Label for shellfish.

Respectfully,

Margaret P. Barrette

Margaret Pilaro Barrette
Executive Director
Pacific Coast Shellfish Growers Association
Office: 360-754-2744
Cell: 360-790-8264
margaretbarrette@pcsga.org

The EQIP administered by the NRCS is one of the main cost sharing programs the USDA has to help farmers implement practices to protect natural resources, but the agency has no idea how to make the EQIP work for organic producers. They need to be more innovative and progressive and start cost sharing on practices that are not in traditional agriculture. They need to listen to producers and adjust their program accordingly. However I find that by the time NRCS approves something the technology is already out dated or the farmer has already implemented it at their own cost. NRCS is slowly working themselves to where they are irrelevant in rural and urban agriculture and quickly losing credibility as a lead technical agency. Organic agriculture is our future and everyone needs to get on board.

Clare Lubinda 

Oberon FMR, Inc
12635 E. Montview Blvd.
Aurora, CO 80045
Andy Logan
VP – Research and Development
303-889-9123 (cell)
andy@oberonfmr.com

October 1, 2011

United States Department of Agriculture
Organic Working Group
1400 Independence Avenue SW
Washington, DC 20250

Re: Public Listening Session, Related to Organic Agriculture & Markets

To Whom it May Concern:

Oberon FMR, Inc. is on the verge of commercializing a potentially organic fishmeal replacement derived from food processing by-products. As a result of US regulations and the lack of organic standards, Oberon is currently targeting South American and Asian countries as initial points of market penetration. As a result, the domestic market will miss an opportunity to avail itself of the benefits afforded by Oberon's ingredient. Clarity regarding organic standards for aquaculture would assist Oberon, and other developing companies, in assessing domestic business opportunities.

Sincerely,

Andrew J. Logan
Vice President of R&D
Oberon FMR, Inc.
12635 E Montview Blvd.
Aurora, CO 80045

To the NOP in the USDA:

We at Regal Springs Tilapia have been observing and involved in organic aquaculture standards since 2003, when we first attended a workshop on the topic at the University of Minnesota with Deborah Brister. As a family-owned company driven for quality, we have pursued organic production in the past 8 years. We were certified by Naturland for a time and explored every aspect of balanced Tilapia farming. We eventually abandoned the organic certification, since there was no market or financial incentive for us, and we lacked certification from an US entity. As an American company, we had hoped to see the NOP/USDA meet and overtake European standards for aquaculture, but until now we have been disappointed. Despite dropping the label, we have remained faithful to the ecologies in which we work, continually improving our environmental and social inputs.

We believe that if the aquaculture industry sees organic standards realized, the entire industry will be incentivized to improve their farming techniques, and there will be an orderly set of expectations for consumers and producers. There will be no growth in the market for organic aquaculture products until standards can assure consumers which products differentiate themselves in quality and manner of production.

We hope to see the USDA develop clear, fair standards for aquaculture, differentiating between fish species and processes, to best inform and protect consumers and to support and challenge producers.

Sincerely,

Magdalena Lamprecht Wallhoff
REGAL SPRINGS TILAPIA
www.regalsprings.com
www.tilapiablog.com
+1 651 324 5768

To NOSB in USDA,

As a career tilapia industry member for the last 30 years, I want to make sure my voice is heard about the importance of the USDA organic standards for Tilapia. The industry needs this certification both for the industry and consumers who want to have a good image of tilapia.

I therefore urge you strongly to continue pushing forward with organic Aquaculture.

Sincerely,

Mike Picchietti
Aquasafra Inc
Bradenton Florida

Dear USDA

Atlantic Sapphire LCC is a company that have started the world's first commercial RAS Landbased Atlantic Salmon system in the world of a 1000 ton per year in Denmark, and we are planning to start a facility in the on the east coast of the United States. There is a need for a organic standard that can be used to produce sustainable fish in the US so Atlantic Sapphire can work with a well defined organic standard, that also fits or favorites land based RAS production. This means that the organic certification must have reasonable standards in relation to animal welfare and feed, due to that in investment is so high in RAS systems and feed technology is still evolving with great speed.

Traditionally in European standards fish well fare is define by that the fish must have access to natural light and exposed to very low densities in the cultivating environment. This would be very problematic in many ways for a RAS system that is depended on stable environment and stable load to function optimally. This is important in relation to having as low as possible N

and P in its effluents and getting as much production as possible per kWh/kg production and there by being as sustainable as possible. In my experience Atlantic Salmon welfare is much better defined in securing good water parameters and well grades fish so no fish is bullying the other fish rather than just having a low max density.

There must be a reasonable time frame to incorporate new ways to make feed on other than marine sources and still having a healthy omega3 content.

A good sustainable standard for organic production of Salmon that favors RAS in the US would bring USA in front in sustainable aquaculture and would it make it feasible for Atlantic Sapphire to make organic Atlantic Salmon in the US. We like to stress that this process is prioritized and move forward and coming producers like Atlantic Sapphire is brought to the table. We have in Denmark and in Norway worked with organic aquaculture production under the European standards and we would like to see the new USDA organic standard for Atlantic Salmon production be very different and much more sustainable.

BR
Thue Holm
CEO Atlantic Sapphire
Cell: +4522888720



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September 30, 2011

Mark Lipson
Organic & Sustainable Agriculture Policy Advisor
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Mr. Lipson,

Food & Water Watch appreciates the opportunity to submit comments to the USDA's Organic Working Group and the National Organic Program to follow up on the September 20, 2011 listening session on the Department's activities and priorities related to supporting organic agriculture production, handling and markets.

In my comments at the listening session, I urged the NOP and other branches of the Department to consider three issues: the potential impact on organic agriculture of hydraulic fracturing methods of drilling for natural gas; the need for communication with the Food and Drug Administration about organic methods of production as that agency develops produce safety standards and implements its egg safety rule; and the need for a new approach to developing organic standards for aquacultured products.

Fracking

On the topic of hydraulic fracturing ("fracking"), Food & Water Watch urges the Department to consider the impact the rapid spread of this drilling method could have on organic agriculture. The process of fracking involves injecting millions of gallons of water, chemicals and sand into shale rock formations at high pressures to break open the rock and release natural gas. There have been numerous cases of water contamination near fracking sites. Gas companies are expanding the use of this drilling technique very rapidly in several regions of the country, usually in rural areas.

It is only a matter of time before organic producers have to deal with impacts on their land, their water supplies, or their crops from the drilling itself or the waste the process can leave behind. They will need guidance from NOP and their certifiers about how to deal with these impacts and should be warned to think about the potential impacts on their operation and their status as certified organic producers so they can make informed decisions about allowing fracking on their land.

Attached is a letter written earlier this year by the Northeast Organic Farming Association of New York to the New York Department of Environmental Conservation, requesting that

agency to do a study on the impacts of fracking on the state's agricultural land and resources. The list of issues they include in the letter is a useful guide to topics the Department should consider.

Communication With FDA on Food Safety

As you are aware, the Food and Drug Administration (FDA) is in the process of implementing new produce safety standards and other provisions of the FDA Food Safety Modernization Act, which was signed into law in January 2011. Food & Water Watch and many other organizations have talked with FDA about how to ensure that the new produce safety regulations are feasible for all types of farms, including certified organic farms. We believe that FDA would benefit from learning more about organic production methods and what the USDA organic standards require for compost and manure management and other practices relevant to food safety. We strongly urge NOP to communicate directly with FDA and offer concrete examples and explanations about what organic production entails and the requirements for safely managing compost and manure in crop production that are part of the organic standards.

Also in the realm of food safety, we urge the NOP to communicate with FDA as they continue to implement and refine their *Salmonella* egg safety final rule. We are aware that concern about the feasibility of the new regulation on *Salmonella* is growing among organic egg producers and those who prioritize outdoor access or pastured production methods. Using the control of *Salmonella* as a justification for total confinement of birds is unacceptable to many consumers, as the growing popularity of animal-welfare approved certifications and consumer-driven campaigns for cage-free eggs indicate. Food & Water Watch has urged the FDA to clarify that producers using outdoor access can comply with the final SE rule, as explained in the attached comment we recently submitted to FDA. We urge the NOP to discuss this issue with FDA to explain the needs of organic producers and the important role that outdoor access plays in organic livestock production.

Organic Standards for Aquaculture


Food & Water Watch has been very critical of the recommendation adopted by the National Organic Standards Board for aquacultured products, specifically the allowance of wild fish as feed and the use of open net pens. We continue to urge the NOP to reconsider these critical issues as they develop a standard for aquacultured products and to release a standard that does not allow the use of wild fish as feed or open net pens.

We also urge the NOP to address the issue of imported fish products that are being sold in U.S. stores as "organic," when no such standard exists in the United States. We believe this is confusing for consumers and that the sale of such products should be prohibited by the Department. For examples of these products, we refer you to the legal petition filed by the Center for Food Safety with the NOP in July 2007. A more recent example comes from the Wegmans grocery chain, which has advertised "organic" salmon on its website as recently as this month (see

<http://www.wegmans.com/webapp/wcs/stores/servlet/ProductDisplay?langId=-1&storeId=10052&catalogId=10002&productId=719450>).

Thank you for the opportunity to offer these comments to the Department.

Sincerely,

A handwritten signature in cursive script that reads "Patty Lovera".

Patty Lovera
Assistant Director

Attachments:

1. NOFA New York letter to New York Department of Environmental Conservation
2. Food & Water Watch comment to FDA on egg rule guidance document.



July 22, 2011

Commissioner Joe Martens
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001
cc: Governor Andrew Cuomo, NYSDAM Commissioner Darrel J. Aubertine

Dear Commissioner Martens,

I am writing to you today on behalf of our more than 1,400 organic farming, gardening and consumer members in response to the recent release of the updated SGEIS on the impacts of high volume hydrofracturing in the Marcellus Shale. We appreciate the lengths to which the DEC staff have gone to review and address comments in revising this important impact statement. However, we do not believe there has been sufficient research on the impacts specifically to the state's agricultural industry, an industry so crucial to rural economies and community areas targeted for Marcellus Shale development.

As you know, agriculture is one of the largest industries in the state, contributing heavily to New York's economy and its work force, as nearly one-quarter of the state's total land area is utilized as farmland. Much of the land located within the Marcellus Shale region is active farmland, and we believe the impacts to farmers, farmland, the farm economy and food production has not been adequately studied at this point.

DEC staff, members of the Advisory Council and the consultant hired to prepare the Socio-Economic study lack the level of agricultural expertise necessary to fully assess the impacts to New York's farming industry.

Therefore, on behalf of our members and the undersigned businesses, organizations and individuals, we ask the DEC to hire a consultant to assess the impacts of the permitting of high volume horizontal hydrofracturing on agriculture and the state's irreplaceable farmland resources. As is the case with the other components of the revised draft SGEIS, this study of impacts on agriculture and farmland protection should be prepared and released to the public in advance of the official public comment period, so that the farmers of the region can properly assess its accuracy and completeness.

We ask that an Agricultural and Farmland Protection Impacts Study be produced including, but not limited to, consideration of the following:

1. Statistics on the total estimated acreage and percent of farmland in the region that will be impacted-likely to be taken out of production due directly to gas infrastructure development (i.e., farmland lost due to drilling pads, pipelines, access roads, compressor stations, chemical, water, waste and equipment storage areas and other infrastructure). These statistics should be based on a cumulative, or “built-out” basis.

The current draft SGEIS calls for pre- and post-testing of water wells used for human drinking water in the vicinity of active drilling. For agricultural purposes, surface water and springs are also used to irrigate crops and water livestock, which also experience ill effects from contamination. An appropriate testing regimen to effectively mitigate any impacts on water sources used for agricultural purposes also should be devised.

2. Effects of fragmentation of farmland due to access roads, pipelines and other infrastructure.
3. Effects of settling and subsidence of ground associated with hydrofracking on drainage, both natural drainage and fields drained by installed drainage tiling, and impacts drainage changes may have on soil structure and crop productivity.
4. Short and long-term assessment of available water resources for agriculture, residential and drilling and hydrofracking activities, by specific (i.e., town-level or smaller) area. Report on the current use of water by farming in the Marcellus Shale region by specific area, compared to the cumulative requirements for drilling and related activities in that area. For farming purposes, it is not practical to consider shipping water for irrigation or stock watering from adjacent townships. This data should help determine the extent of potential competition for water between farms, residential water needs, and hydrofracking operations, and identify any localities of particular concern for potential water shortages.
5. Effects on the availability and cost of farm labor & commodity trucking due to competition from the gas industry. Farmers are already paying increased cost per hundredweight for shipping milk to haulers serving New York’s dairy industry, that have experienced these impacts from gas industry development in Pennsylvania.. Is there enough appropriately skilled, licensed and available work force in these regions to provide for both industries, or will the gas industry continue to drive up the price for farm- and agriculture-related labor putting New York’s farmers at a competitive disadvantage in the marketplace?
6. Effects of competition for products used by both the agricultural and gas industries. Anecdotal evidence suggests a loss of availability of certain products or a significant price increase on products, which would negatively impact farm production and profit margins.
7. Long-term impacts of impaired air and water quality on the health of soil, livestock, honeybees, fruit, vegetables, and other agricultural crops and production. As elevated ozone, in particular, has more serious impacts on per-acre productivity for some crops than it does on others (example: grapes), this analysis must be crop-specific, so that the industry can understand whether mitigations must include changes in crop mix to remain competitive with other producing regions.

8. Impacts that effects on wildlife may have on agricultural operations (example: will a reduction in beneficial insect populations due to air quality deterioration result in booming populations of crop-eating insect pests no longer kept in check by natural predators?)
9. Identify how farmers will be compensated for losses and damage due to water or soil contamination or other gas industry related incidents and accidents, including any involving independent trucking contractors. A clear and timely mechanism must be developed to assign responsibility for bearing and paying these costs to allow clean-up to begin immediately, to prevent the spread of contamination or the loss of more than one year's crop. Payment of compensation must be up-front, not reimbursable, so as to not negatively impact farmers' available credit for operations. Compensation regulations need to be crop or product specific and market-price based, with strict oversight and enforcement by the Department of Agriculture and Markets, which will require additional resources to provide this enforcement.
10. Effects on the organic certification of certified organic farms. Because organic farmers must uphold higher environmental standards and provide adequate records that their farmland has not been contaminated by prohibited substances, how will farmers be assured that the hydrofracking activities will follow the organic requirements on organic farms as they relate to right of way pesticide application, water-quality, pesticide drift, and run-off?
11. The Marcellus region includes the Susquehanna River Basin, which drains into the Chesapeake Bay and is subject to new regulatory restrictions. The EPA recently imposed Total Maximum Daily Loads (TMDLs) for nitrogen, phosphorus and sediment in this watershed, and farmers are subsequently faced with the burden and cost of helping the state and region achieve these targeted limits. While gas development activities are likely to contribute to the sediment and nutrient loading of local waterways, this industry and its potential impacts were not included in modeling for the TMDLs, nor are they subject to accountability and oversight for their "contributions" to the problem. How will agriculture be insulated from unfairly being required to shoulder responsibility for mitigating the impacts on TMDL for various pollutants created by the gas industry in the Chesapeake Bay Watershed area?
12. Legislation such as the Clean Air Act, Clean Water Act, and Safe Water Drinking Act have resulted in significant regulatory oversight and accompanying costs for agriculture. The gas industry enjoys a special exemption from these laws. If additional gas industry development creates significant changes in environmental status, will this put added pressure and costs on industries (like agriculture) operating in the same area, which may be forced to bear the burden of having to compensate for the exempted/unaccounted for environmental impacts of the gas industry? How will this industry-specific discrepancy in the enforcement of federal laws be addressed, how will pollution impacts be allocated to industrial origin, and will additional mitigating actions imposed by regulators create economic burdens that impact agricultural profitability in the region?
13. In some instances, owners of farms and farmland are the recipients of royalty payments associated with gas development. Payments can be substantial for high-producing wells. Impacts on farming and the agriculture sector as a whole can't be accurately assessed

without considering to what degree such payments are utilized as additional capital to expand or improve farming operations, additional family income to augment personal expenditures unrelated to the agricultural enterprise, or a source of primary income substantially replacing income made by working the farm. Conversations with Soil and Water Conservation staff from Pennsylvania have indicated that a significant portion of farmers cease farming operations when royalty payments begin. An estimate of these effects—including the potential for reclamation of any fallowed land by the owner or a leasee at such time that gas production declines or ceases—should be undertaken.

14. A recent Duke Study has shown there to be a significance of Methane contamination in shallow drinking water systems. Livestock watering and irrigation systems use an even more fragile and sensitive surface water, not just water from wells. How does the SGEIS taken into account these significant risks to farm operations?

Thank you for your time and consideration in reviewing this letter. We would be happy to review our requests with you in person or over the phone.

Sincerely,



Kate Mendenhall
Executive Director
NOFA-NY, Inc.

Additional Business and Organization Signatories:

Lynn Marsh, President
Landscape Alternatives

Lynn Marsh, President
Advocates for Cherry Valley, Inc.

Lorraine McNulty
Upper Unadilla Valley Association

Maria McMullen
Concerned Citizens of the Town of Oneonta

Harry Levine
Advocates for Springfield

Max Grigri
Green Umbrella: NY Youth for a Just and Sustainable Future Ithaca College

Sarah Eckel, Legislative & Policy Director
Citizens Campaign for the Environment

Cecile Lawrence
Tioga Peace and Justice

Lisa Ferguson
Laughing Goat Fiber

Zach Velcoff
Cornell's Friends of the Gorge

Farmhearts

Catskill Citizens for Safe Energy

Elizabeth Goodwin
Dilmun Hill Farm
Cornell University

Catskill Mountainkeeper

Dean Koyanagi and Sharon Tregaskis
Tree Gate Farm

Allegra Schechter
ROAR Against Fracking,
Roseboom Owners Awareness Response

Bruce Lane
Purity Ice Cream Co., Inc.

Scott Perez
Environmental Dimensions Consulting

Amy Little
National Young Farmers Coalition

Sheila Cohen
Gas Drilling Awareness for Cortland County

Nicole A. Dillingham, President, Board of Directors
Ostego 2000, Inc.

Clare Donohue
Sane Energy Project

Tracy Carluccio, Deputy Director
Delaware Riverkeeper Network

Samuel Bosco
New World Agriculture and Ecology Group
Cornell University

Patty Love
Barefoot Edible Landscape & Permaculture

Nedra Harvey
R*CAUSE (Rochesterians Concerned About Unsafe Shale-gas Extraction)

Ellen White Weir
Goldpetals

Neil B. Miller
Farmshed CNY

Judith Korff
LadySong Farm Bolivian Suri Alpacas

Mart and Deborah Lain
Kezialain Farm

Diane Eggert
Cobblestone Creek Farm

Stephanie Roberts, Bret Morris
Skoloff Valley Farm

Joanna Green, Director
Groundswell Center for Local Food & Farming

Teresa Hommel, TriChair
Action for Justice Committee, Community Church of New York Unitarian Universalist

Robert Nied
Schoharie Valley Watch

Melissa Madden
The Good Life Farm

Joan Tubridy
Citizens Energy and Economics Council of Delaware County

Phil Harnden, Executive Director
GardenShare

Nate Darrow
Regional Farm and Food Project

Gay Garrison
Three Swallows Farm, Full Plate Farm CSA

Lucy Garrison & Chaw Chang
Stick and Stone Farm, Full Plate Farm CSA

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Seeking Common Ground

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Roxbury Farm

Kenneth Jaffe, MD
Slope Farms

Kay Hilsberg
Heidelberg Farms

Additional Individual Signatories:

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Hillary Hunter
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Sigrid Kulkowitz
Shaul Hendel
Kalil Hendel
Nadav Hendel
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Alanna Rose
Ofra Hyman
Charles Hyman

Andrew Szeto
Kate Ryan
Bob McGuire
Judy Keil
Pete Head
Edmund Brown
Eugene Marner
Jackie Church



September 12, 2011

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane
Room 1061
Rockville, MD 20852

Re: Docket #FDA-2011-D-0398

To Whom It May Concern:

I appreciate the opportunity to comment on the “Guidance for Industry, Questions and Answers Regarding the Final Rule, Prevention of *Salmonella* Enteritidis in Shell Eggs During Production, Storage and Transportation” (Docket # FDA-2011-D-0398) on behalf of Food & Water Watch, a nonprofit consumer advocacy organization. Our members and supporters are very concerned with food safety, but are also very concerned about the impact that food safety regulations can have on agriculture operations if the regulations are not sufficiently adaptable for different scales and types of production.

We are aware that this concern about the feasibility of the new regulation on *Salmonella* is growing among organic egg producers and those who prioritize outdoor access or pastured production methods. The FDA’s final rule on “Prevention of *Salmonella* Enteritidis in Shell Eggs During Production, Storage, and Transportation” (the SE final rule) does exempt operations that sell directly to consumers or have less than 3,000 laying hens. We believe that this exemption is appropriate. But there are operations with more than 3,000 birds that give their birds significant outdoor access or may soon be required to under possible changes to the USDA’s National Organic Program standards. Therefore, it is a major oversight by the FDA to ignore this topic in the Questions and Answers document.

There are several ways the agency can address this oversight. First would be to better explain and clearly define what is meant by “the environment” in the portion of the rule that requires environmental sampling portion of the rule. Some of the language of the rule implies that the environment is the actual house, not necessarily the outdoor area some operations may allow birds to access. The descriptions of sampling techniques that emphasize sampling manure also imply this. But reports from producers around the country indicate that the perception among producers and some FDA employees is that outdoor areas must be included in environmental sampling. The agency should be much more specific about what it considers to be the appropriate areas that should be sampled on operations that allow their birds access to the outdoors, and ideally focus that sampling on the houses where birds lay eggs.

Another area where the guidance could be improved is to explicitly discuss how certified organic operations, pasture-based or free range operations, and other operations with

outdoor access can comply with the rule. We have heard from numerous sources that producers around the country have been told or led to believe that outdoor access is not allowed under the final SE rule. This needs to be addressed by the agency as soon as possible, and we strongly urge the agency to figure out a way to make the final SE rule workable for those producers who are certified organic, pasture-based, free range, or otherwise use outdoor access as part of their production system. Using the control of *Salmonella* as a justification for total confinement of birds is unacceptable to many consumers, as the growing popularity of animal-welfare approved certifications and consumer-driven campaigns for cage-free eggs indicate.

Clarification that producers using outdoor access can comply with the final SE rule is particularly needed for the organic sector. We are aware that the final rule states that the FDA consulted with the USDA's National Organic Program during the development of the final rule and that NOP staff said the requirements were compatible with organic production methods. But during the very long period in which this final SE rule was being written, the organic standards have evolved. There is a new emphasis within the organic community on addressing animal welfare issues and the National Organic Standards Board has been developing animal welfare standards for certified organic livestock producers for several years. At the core of these animal welfare standards is the application of the organic principle that animals being raised organically must have access to the outdoors. FDA's rules for *Salmonella* must not be written – or interpreted – in a way that contradicts that requirement and we urge the agency to come up with guidance for organic producers that recognizes their methods of production and requirement to provide outdoor access.

Even if it is not the reality, confusion about this rule or the perception that outdoor access is not compatible with the final SE rule could radically impact what egg producers do as they develop their SE prevention programs and plan the future of their operations. Therefore, the FDA should clarify the environmental testing sections and explicitly discuss how organic and pasture-based, free range, or outdoor access operations can comply with the final SE rule as soon as possible.

In addition to adding these sections to the guidance, we urge the agency to prioritize the research and development program needed to make rapid testing technology available for the egg industry. The lag time between sampling and receiving a positive result can lead to potentially contaminated product reaching the market, or recalls that may be unnecessarily large because they cover more days of production. Reducing that lag time with technology that speeds up the testing process would benefit consumers and producers.

Thank you for your consideration of these comments on this critical issue.

Sincerely,



Wenonah Hauter
Executive Director



30 September 2011

Re: 2011 Organic Listening Session Remarks

Submitted via email to: <http://www.ams.usda.gov/2011OrganicListening>

Center for Food Safety Comments to the National Organic Program Listening Session

These comments are presented on behalf of the Center for Food Safety (CFS), a non-profit membership organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by supporting organic food and agricultural production systems. Our online True Food Network has grown rapidly to include 200,000 people across the country that participate in policy-making discussions on organic, grow organic food, and regularly purchase organic products.

Center for Food Safety's Litmus Test of Organic

CFS believes that the ability to strictly adhere to organic agriculture and food production standards must drive the types of certified organic products that are made available to consumers in the marketplace. And, the desire to create and market a product that is "certified organic" must not compel the contortion or dilution of existing organic standards.

This is our litmus test for ensuring organic integrity.

As the lead government program charged with ensuring organic integrity,ⁱ CFS recognizes the challenges the National Organic Program (NOP) faces trying to balance the diverse needs of stakeholders in its decision-making process. We also understand that issues affecting organic integrity may at times be out of the Program's direct control. Still, we believe that the NOP should be more proactive in its efforts to protect organic integrity with respect to four critical issues: 1) preventing contamination of organic crops and seed by genetically engineered (GE) organisms, 2) directing government-funded organic research to facilitate the sunset of materials on the National List, 3) prohibiting organic aquaculture in open ocean net pens and, 4) prohibiting the use of nanotechnologies and nanomaterials in organic.

1. GE contamination of organic crops and seed.

As rightly stated by NOP Deputy Administrator, Miles McEvoy, in his Policy Memo on Genetically Modified Organisms (GMOs) and Organic:

Since organic certification is a process-based standard, presence of detectable GMO residues alone does not necessarily constitute a violation of the regulation. The NOP relies on organic certifiers and producers to determine preventative practices that most effectively avoid contact with GMOs on an organic operation.ⁱⁱ

Although technically correct, this narrow response to the growing threat of GE contamination of organic is simply not enough to retain public confidence in the USDA organic seal, in the long-run. A fourth generation cattle rancher, Beth Robinette, had this to say to the NOSB at its Seattle Meeting in response to the NOP's recent Policy Memo on GMOs:

I am here today to ask you to stand in solidarity with farmers and ranchers who face the imminent threat that GMOs face to producers...[C]oexistence with GMOs is not possible. There is no way for me to prevent GMOs from contaminating my fields. If nothing is done, then very soon no farmer or rancher who grows alfalfa can make a claim that their crops are GMO-free. In an effort to protect organic producers, the NOSB has stated that GMOs will be allowed in organic food as long as they are the result of contamination and not intentional introduction. This erodes the meaning of "organic."ⁱⁱⁱ

Along with Robinette, nearly 100 other people submitted comments outlining their concerns regarding GE contamination of organic for the NOSB's consideration at its April meeting, even though the issue was not on the agenda. These unsolicited comments were received from the full spectrum of organic stakeholders, from farmers and ranchers, to retailers and consumers. CFS agrees with the sentiment expressed that GE has no place in our nation's organic farming and food systems. That is why they are appealing to the NOSB and NOP to take action.

Research has shown, and it is widely recognized by GE scientists and the biotechnology industry, that GE contamination is inevitable as long as GE crops are grown, unrestricted in open fields.^{iv} This argument is corroborated by research scientists, by the U.S. Government Accountability Office and by the partial list of contamination events listed in Appendix A. In its 2008 report, the GAO concludes: "Unauthorized releases of GE crops in to food, animal, feed, or the environment beyond farm fields have occurred, and *it is likely that such incidents will occur again*" (emphasis added).^v

GE contamination results from a variety of human, animal, and environmental related activities, across the commodity chain, from seed to plate. Once released into the environment, transgenes cannot be recalled. Their traits are uncontrollably passed on to subsequent generations of

commercial crops, wild relatives, and feral plants.^{vi} Yet, the burden for GE contamination prevention rests solely on the shoulders of organic producers, even though they do not benefit from the use of GE technology. On the contrary, organic farmers suffer harm when organic seed, crops, and food become contaminated and they cannot sell their products in markets that restrict GE products. Farmers may also face legal recourse from companies that own the intellectual property rights of the escaped transgenes that contaminate their organic farm. The organic community wants NOP to do more to protect from organic these unintentional and inadvertent GE contamination events. It is not enough to simply state as policy that since “organic is a process-based standard, presence of detectable GMO residues alone does not necessarily constitute a violation of the regulation.” It is the NOP’s job to actively protect organic integrity.

The National Organic Standards Board’s (NOSB) “Principles of Organic Production and Handling,” which guide the creation and implementation of organic standards, further underscores the incompatibility of GE with organic production systems:

Genetic engineering (recombinant DNA technology) is a synthetic process designed to control nature at the molecular level, with the potential for unseen consequences. As such, it is not compatible with the principles of organic agriculture (either production or handling). Genetically engineered/ modified organisms (GEO/GMOs) and products produced by or through the use of genetic engineering are prohibited.^{vii}

The organic community understands this incompatibility and recognizes the inevitability of GE seeds and crops to migrate beyond their intended destination of the farm. That is why they expect the NOP to do more to prevent GE contamination to ensure organic integrity with respect to GE contamination prevention.

To that end, CFS urges the NOP and APHIS to adopt a Memorandum of Understanding (MOU) of “shared responsibility” for preventing GE contamination of organic seed and crops. This MOU would outline the joint responsibility of the NOP and APHIS in preventing GE contamination and would require GE technology users to jointly share responsibility for contamination prevention along with organic farmers, who are already doing so. It would also set the stage for USDA to develop a set of mandatory contamination prevention practices for all who grow GE crops and for establishing training and education programs to ensure implementation of those practices.

We further urge the NOP to support the institution of liability regulations whereby GE patent holders justly compensate organic farmers for contamination. We believe that the Plant Protection Act (PPA) affords USDA the appropriate authority to prevent contamination and to establish policies for contamination prevention.

2. Influencing the Direction of Government Funding of Organic Research.

As an advocate of organic integrity, CFS finds it discouraging to see the NOP repeatedly extending approvals for substances on the National List (NL), instead of sunseting them, due to a lack of

available alternatives. Antibiotic use in organic apple and pear production is a case in point. After remaining on the NL for more than ten years the NOP, again, extended their use until 2014. Unfortunately, we are already hearing from organic apple and pear growers that they are not likely to meet this deadline, due to the absence of viable alternatives.

Consumers view organic as the healthy alternative for the many highly processed foods on the market today. Once they decide to purchase organic foods, they do not expect them to be grown with antibiotics, much like they do not expect them to be irradiated or genetically engineered. The continued approval of antibiotics, and the long list of other synthetics approved for use in organics, is another area where we believe the NOP can do more to ensure organic integrity. A whole systems approach is needed to research and troubleshoot problems in organic production systems and to find solutions that are not mere input substitutions. The NOP needs to combat this trend towards expanding and entrenching materials on the NL which threatens organic integrity.

We urge the NOP to initiate a collaborative process with Research, Education, and Economics (REE) Mission Area staff whereby the NOP communicates to them the organic sector's pressing research needs on a regular basis. That way, government-funded organic research would be directed towards solving entrenched issues within the NOP and factored into the Request for Applications development process for both OREI and the Organic Transition Program. This would also facilitate the sunseting of materials on the National List, which is sorely needed.

3. Prohibiting Organic Aquaculture in Open Ocean Net Pens.

CFS believes that farmed, carnivorous fish can never be certified organic because they cannot be grown in open ocean net pens without escapes or without significantly and adversely impacting aquatic ecosystems. Therefore, we do not support the NOSB's recommendation for the NOP to draft organic carnivorous fish farming standards.

The NOSB's recommendation to allow wild caught fish, fish meal, and fish oil to be used in carnivorous organic aquaculture contravenes the spirit and intent of OFPA, which requires all certified organic species to be fed a 100% organic diet. Feeding wild caught fish and fish products to farmed fish would increase pressure on already over-exploited or recovering fisheries that form the base of the aquatic food web, affecting a wide range of species from seabirds to fish to sea mammals. It would also undermine OFPA's biological diversity conservation requirements, a centerpiece of organic production systems.

CFS urges the NOP to take a proactive stance on organic aquaculture to ensure organic integrity by rejecting the NOSB's recommendations. Instead, we urge the NOP to direct the NOSB to return to the drawing board and to develop recommendations for land based recirculating systems of organic herbivorous aquaculture. Such farmed fish would then be grown in highly controlled systems where inputs, outputs, and fish health and welfare can be monitored and regulated to meet environmental standards.

4. Prohibiting Nanotechnologies and Nanomaterials in Organic Production Systems.

Consumers who want to eat the healthiest food on the market buy organic because they feel confident that certified organic food has not been produced using harmful food production technologies. The role of the NOP is to ensure that such technologies, and their associated products, are not allowed in organic production systems. Nanotechnology and nanomaterials fall into that “harmful” category and we are pleased that the NOSB recognized the dangers associated with nanotechnology, categorized nanomaterials as synthetic, and recommended that they are both prohibited in accordance with OFPA. We are not so pleased with the NOP’s vague response to the NOSB’s recommendation, in the NOP Deputy Administrator’s December 17, 2010 Memo to the Chair of the NOSB.^{viii}

Although we believe that the NOP memo accepts the NOSB’s recommendation that nanomaterials are synthetic and that the products of nanotechnology are prohibited under OFPA, we urge the NOP to be more explicit on this matter and provide clear guidance in support of its decision. CFS is concerned that in the absence of a strong public statement by the NOP, with supporting guidance on nanotechnology, organic integrity could be undermined or the NOP’s intent misinterpreted by certain sectors of the organic industry.

It is imperative that the NOP provide clarity on the prohibition of nano in organic by adopting a definition that ensures protections for human, animal health, and the environment. We do not believe that the NOP needs to wait for “legal agreement across regulatory agencies”^{ix} before it adopts its own definition for the purposes of organic regulation and certification. In fact, the NOSB’s definition is based upon sound scientific research and debate, and it accurately reflects current scientific thinking about what constitutes nanotechnology, as the NOP’s Memo argues is necessary to reinforce the prohibition.

CFS urges NOP to adopt the NOSB’s recommended definition of engineered nanomaterials and include the definition in its guidance on nanotechnology. The NOSB defines a nanoparticle in the 1-300 nm range because that is the largest size particle demonstrated to cross animal cell walls. A 2006 study by Dr. Warheit and others found that marked ‘nano’ properties of nano-titanium dioxide (TiO₂) remained even at 300 nm.^x Additionally, a study published in *Environmental Health Perspectives* this year demonstrates that nanoparticles – specifically nano-polystyrene, which is currently being tested for use in poultry feed – can cross the placental barrier at 240 nm and pass from pregnant mice to the fetus.^{xi} Excluding traditional food processing techniques as well as naturally occurring nanoparticles, which clearly differ from those deliberately manufactured, as outlined in the NOSB’s recommendations, will help to ameliorate NOP concerns about what is included and excluded in the definition.

The use of nano substances in primary food packaging and in food contact substances represents a major and growing source of concern for organic consumers. Packaging is a predominant category where food-related nanotechnologies are being deployed to extend a product’s shelf life, particularly through the use of antimicrobials like nano-silver. This type of nano packaging is designed as a delivery system whereby the nanoparticles embedded in the packaging act as a

preservative, anti-microbial or anti-fungal, among other things. As such, we believe that the authority already exists within the organic rule to prohibit nano antimicrobials in packaging in section 205.272 (b) (1). The rule specifically states that packaging materials and storage containers or bins containing a synthetic fungicide, preservative or fumigant are prohibited for use in the handling of any organically produced agricultural product and ingredient. This may be an area where the NOP may need to cooperate with other agencies, such as FDA, which regulates food contact substances, and the EPA, which regulates anti-microbial substances. However, the NOP should insist that nanomaterials that can migrate into food should not come into contact with organic food.

The Woodrow Wilson Center's Nanotechnology Consumer Product Inventory finds that over 1,300 manufacturer-identified nanotechnology-enabled consumer products have entered the marketplace to date.^{xii} Consumers who wish to avoid foods produced, packaged or incorporating nanotechnologies and nanomaterials will look organic as a way to avoid the use of harmful food production technologies. CFS urges the NOP to quickly implement the NOSB's recommendations on nanotechnologies and nanomaterials and adopt its definition to avoid confusion within the organic sector and to ensure organic integrity.

Respectfully Submitted by:

Lisa J. Bunin, Ph.D.
Organic Policy Coordinator

Colin O'Neil
Regulatory Policy Analyst

Appendix A

Roundup Ready Alfalfa Contamination Events

Year [Ref.]	No. of episodes	Testing firm	Description	Notes
2006 [1]	11 seed fields	Dairyland farmers	11 of 16 seed production fields tested by farmers were positive for RR gene: MT (9), ID (1), WY (1). Seed to seed gene flow occurred at distances of 950 feet to 1.5 miles	RR gene levels from 0.2%-0.9%, with 1 "trace"
2008 [1, 2]	6 seed lots (3% of seed lots tested)*	Cal/West	Testing conducted in CA, OR, WA, ID, NV, MT, WY, Canada, Australia. Not specified where contaminated lots found.	Strip tests, no levels given
2008 [1, 2]	6 research seed lots	Cal/West	Woodland, CA, in Yolo County, where there is no commercial alfalfa seed production. All 6 lots tested were positive for RR	RR hay-to-seed gene flow
2008 [3]	9 feral alfalfa populations	Phil Geertson	Feral alfalfa plants in various locations in Twin Falls & Canyon County, ID and Malheur County, OR. 9 of 10 plants tested were positive for the RR gene	PCR testing
2009 [1, 2]	> 24 seed lots (> 12% of > 200 seed lots)	Cal/West	Testing conducted in CA, OR, WA, ID, NV, MT, WY, Canada, Australia. Not specified where contaminated lots found.	Strip tests, no levels given
2009 [1, 2]	3 research seed lots	Cal/West	Woodland, CA, in Yolo County, where there is no commercial alfalfa seed production. 3 of 10 seed lots positive for RR (preliminary results)	RR hay-to-seed gene flow
NR [1]	1 seed field	Cal/West	Foundation seed, California	0.01-0.03% RR
NR [1]	2 seed fields	Cal/West	Washington, 2 of 3 seed fields seeded from the CA foundation seed lot noted directly above.	0.01% RR
NR [1]	1 or more seed fields	Cal/West contractor	"Fields in proximity" cited as source, perhaps RR alfalfa hay fields, though not specified	RR gene levels 0.5%-1.5%
TOTAL	> 63 episodes			

NR = not reported. Sources: [1] Final Environmental Impact Statement on Roundup Ready Alfalfa, USDA APHIS, December 2010, Appendix V, V-64 to V-65; [2] Cal/West Seeds Newsletter, Winter Issue 2010; [3] "Roundup Ready Contamination of Feral Alfalfa," report and affidavit by Phil Geertson, May 28, 2009 (report has description and photographs and GPS coordinates of sites tested, and Genetic ID results of PCR testing of feral alfalfa for the RR gene; Cal/West reports that 3% of tested seed lots were positive for the RR gene, but does not give the number of seed lots tested. We assume 200, based on the number of lots tested in 2009: 3% of 200 = 6.

Of the 63 detected contamination events, 11 were detected in 2006. ***At least 48 contamination episodes were detected in 2008 and 2009, after court-ordered gene flow mitigation measures were imposed (in 2007).*** With complete deregulation, those measures are no longer in place, thus gene flow is still more likely. Detected GE gene flow events are a small fraction of those that actually occurred. Cal/West [2] states: "The significant increase from 2008 to 2009 in seed lots showing the presence of the GMO trait is significant and foreshadowing of what [we] should expect in the future." Cal/West reports that hay-to-seed gene transmission was responsible for the contamination of 9 research seed lots in 2008 and 2009. Cal/West also notes: "It is becoming clear that this gene or any gene can easily spread and that we are going to have to take extraordinary measures when producing foundation seed and commercial seed for GMO sensitive markets."

End Notes

- ⁱ The stated mission of the NOP on its website is: “Ensuring the integrity of USDA organic products in the United States and throughout the world.” <http://www.ams.usda.gov/AMSV1.0/nop>.
- ⁱⁱ McEvoy, Miles. (2011) “Policy Memorandum: Clarification of Existing Regulations Regarding the Use of Genetically Modified Organisms in Organic Production and Handling,” 15 April, p. 1.
- ⁱⁱⁱ Robinette, Beth. (2011) Public testimony presented at the USDA Agriculture Marketing Service Meeting of the National Organic Standards Board, 23 April, Seattle, WA, transcripts, pp. 333-336. <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5091171&acct=nosb>
- ^{iv} Marvier, Michelle & Rene C. Van Acker. (2005) “Can Transgenes be Kept on a Leash?” *Front Ecolo Environ*, 3,2: 96-106.
- ^v Government Accounting Office (GAO). (2008) “Genetically Engineered Crops: Agencies are Proposing Changes to Improve Oversight, but Could Take Additional Steps to Enhance Coordination and Monitoring, November, GAO-09-60, p. 1.
- ^{vi} Alteri, M. A. (2005) “The Myth of Coexistence: Why Transgenic Crops are not Compatible with Agroecologically Based Systems of Production,” *Bulletin of Science, Technology and Society*, 25. N4: 365.
- ^{vii} National Organic Standards Board. (2001) “Principles of Organic Production and Handling,” adopted October 17, 2001, 1.11.
- ^{viii} McEvoy, Miles. (2010) “Memorandum for the Chairperson of the National Organic Standards Board,” 17 December, pp. 9-10.
- ^{ix} Ibid.
- ^x Warheit DB; Webb TR; Sayes CM; Colvin VL; Reed KL. (2006). Pulmonary instillation studies with nanoscale TiO₂ rods and dots in rats: Toxicity is not dependent upon particle size and surface area. *Toxicol Sci* 91: 227-236.
- ^{xi} Wick, et al., (2010). Barrier Capacity of Human Placenta for Nanosized Materials. *Environmental Health Perspectives*. 118: (3).
- ^{xii} The Woodrow Wilson International Center for Scholars Project on Emerging Nanotechnologies “Nanotech-enabled Consumer Products Continue to Rise” <http://www.nanotechproject.org/news/archive/9231/>



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September 20, 2011

United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

Re: Public Listening Session, USDA Activities & Priorities Related to Organic Agriculture & Markets

Ladies and Gentlemen,

On behalf of the Maine Aquaculture Association "MAA" and its member growers, I would like to respectfully submit the following comments as they pertain to the priorities and activities of the USDA National Organic Program. The MAA is the oldest state aquaculture association in the country. We represent on any given year between 140 and 150 different aquaculture farms in the state of Maine. Our members produce both shellfish and finfish in both fresh water and marine environments. Maine aquatic farmers have been amongst the most progressive in the world in their use and development of Best Management Practices designed to reduce their environmental footprint.

Aquaculture now accounts for approximately one-half of all fish and shellfish consumed in the United States. The new USDA Dietary Guidelines recommend that U.S. consumers double their consumption of healthy seafood. Currently, approximately 2% of the U.S. seafood market is being certified as organic under foreign organic standards. My members are competing in the market place against these products. None of the foreign organic standards and their certification programs attain the level of rigor proposed in the recommendations of the USDA National Organic Program that were made by the National Organic Standards Board in April of 2010. As U.S. producers, the development of a final rule for USDA standards for farmed fish and shellfish is critical to our ability to compete. We ask that the USDA National Organic Program prioritize this final rulemaking and move forward with it immediately.

Finally, as a member of the Aquaculture Working Group appointed to advise the National Organic Standards Board in 2005, I strongly support the comments made by our chairman, George Lockwood.

Thank you for your time and patience.

Respectfully submitted,

Sebastian M. Belle

SMB/rkc



United States Department of Agriculture
Organic Working Group and
National Organic Program
1400 Independence Avenue SW
Washington, DC 20250

2011OrganicListening@AMS.USDA.gov

September 20, 2011

Re: Public Listening Session, USDA Activities & Priorities
Related to Organic Agriculture & Markets

Ladies and Gentlemen,

I write you on behalf of my family's company, Taylor Shellfish Farms, in strong support of USDA moving ahead without delay into Final Rulemaking for organic aquaculture standards.

Taylor Shellfish Farms is the largest producer of farmed shellfish in the U.S. with approximately 400 employees and 9,000 acres of tidelands in Washington State. We sell roughly 70 percent of our farmed shellfish domestically and export the remaining 30 all over the world. In recent year we have been very engaged with the development of third party environmental certification of our products and have seen demand growth in this market segment. We would welcome the opportunity to produce and sell certified organic shellfish and believe our customers would welcome this addition to our product offerings.

As I am sure you know, seafood is the last major food group that does not have USDA national organic standards today. The inability to access organic food markets under the USDA creates an unlevel playing field among animal protein products. In addition, the US imports seafood from more than 125 countries today with an annual trade deficit topping \$10 billion that represents more than 85% of our seafood supply. We believe that by producing certified organic shellfish, we will be able to better differentiate our domestically produced product in the market place.

At Taylor Shellfish Farms we strongly support the development of organic aquaculture standards and urge USDA to move ahead into Final Rulemaking. Please contact me if you have any questions.

Sincerely,

William Taylor
President, Taylor Shellfish Farms
(360) 426-6178