

The views of farmers, consumers, environmentalists, scientists, and the chemically sensitive.

## On Consumer Confidence

JOHN GEAR

This is a letter sent to USDA about the proposed organic standards.

I am writing to express my strongest disapproval of the proposed organic food rules. While I am reluctant to cast aspersions on rule makers' motives, the proposed standards make it next to impossible not to wonder about the goals of whoever drafted them. My wife and I honestly feel that these standards will have the effect of destroying organic farming in the United States. They certainly would, if adopted, destroy any confidence in the word "organic."

As a small businessman, I know that the rulemaking process does not operate according to the ideals of reason and fairness as taught in Sunday school. But, aside from the recent telecommunications "reform," I can think of no other instance in which the failings of the regulatory process are so vividly apparent.

An objective reading of these standards convinces me that they will do nothing to advance safe food, organic farming, or the economy of small farmers. Instead, if adopted, they will only give evidence that the regulatory process is totally corrupt, and if wealthy agribusiness interests call the tune, the USDA dances.

Please communicate to each and every person who will recommend adoption of or revisions to these standards the deep disgust with which this veteran views them in their current form. As proposed, they are best described as an attempt



Consumers are buying organic food in record numbers with the industry growing to \$3.5 billion in 1997.

to destroy real organic farming in the United States and impose an ersatz organic standard that the big food interests find congenial. If these standards are adopted, then whenever we see the word "organic" we will truly know that Orwell's 1984 has come true.

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## On Farming Organic

STEVE GILMAN

Now that analysts have been able to study and digest the long awaited National Organic Program (NOP) Rules issued by the Department of Agriculture in mid-December, we're finding loopholes big enough to drive a chemical fertilizer truck through. There is just no way that USDA's proposed allowance of genetically modified organisms (GMOs), food irradiation, sewage sludge, synthetic substances, chemical seed treatments, antibiotics, livestock and poultry confinement operations, as well as food processing additives, colorings, enzymes and synthetic ingredients — for starters, can remotely be considered "Organic." In fact, the 600-page document is loaded throughout with enough exceptions, exemptions, additions and allowances so that almost any farming, processing, and handling operation could

rather easily qualify for being labeled "Organic" in the marketplace. Maybe that's the point.

The final NOP Rules were mandated by the *Organic Foods Production Act* (OFPA) passed by Congress back in 1990. The law relegated the primary task of determining the definition of organic along with the allowable products, practices and procedures to a newly created National Organic Standards Board (NOSB), comprised of representative sectors of the industry including fruit, vegetable and livestock farmers, processors, handlers and consumer groups. The NOSB was charged with the task of being the gatekeeper for determining the substances allowable to be used through the creation of a National List of acceptable and prohibited products and practices. After an exhaustive process over a period of years

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— of researching and gathering information, reviewing and reworking present day standards, and holding marathon meetings and hearings around the country, the results — which under OFPA is legally determined to be organic — were presented to USDA to become finalized in the NOP Rules.

The good news is that in the proceedings of carrying out the process the country's existing 40 plus state and private certifying organizations around the country largely standardized themselves in accordance with NOSB's definitions. They had ample incentive to do so — under OFPA the existing certifying organizations would themselves have to become certified by USDA in order to remain in business.

The bad news is that USDA has scrapped the bulk of the NOSB's work and has rewritten the NOP Rules according to their own predilections. That this action has widely overstepped the mandates of the original OFPA law and has pulled a bureaucratic end run around the clear intent of Congress is seen by some as merely Washington business as usual.

An appropriate analogy is the recent "Made in the USA" truth in labeling debacle where some special interests tried to get the Federal Trade Commission to increase the allowable content of foreign manufactured materials in U.S. products to still qualify for the "Made in the USA" logo and label. The ensuing explosive reaction from a large and previously unlikely coalition of business and labor and the grass roots public sent shock waves throughout Washington and the integrity of the "Made in the USA" label was resoundingly saved.

Organic advocates see many parallels in the proposed gutting of the organic standards. USDA's action affects far more than those in the industry, however. Consumers automatically forfeit their freedom of choice in the marketplace, personal health advocates suffer the loss of their major alternative, parents lose control over the content of their children's food, environmentalists give over an ecologically positive form of agriculture and the true organic farmers get the ground pulled out from underneath them.

As it is now, the agribusiness corporations have enforced a virtual no-labeling policy. Products in the marketplace like milk produced from cows injected with bovine growth hormone or potatoes containing transgenic Bt, a biopesticide, are not labeled as such or even identified. Today, a "Certified Organic" label means such substances are not used in the production of the organic foods you buy — tomorrow is another story.

Although organic food is one of the fastest growing segments of the U.S. agricultural economy (over 20% a year since 1990) the repeated foot-dragging by USDA has already accounted for considerable economic losses in the industry. The NOP rules were due back in October of 1993. Year after year their promised publication eventually took on the nature of a sick joke to farm-



*Dairy cows grazing on organic pastures, mixed grasses, forbs, and legumes.*

ers who were uncomfortable with the wisdom of willingly turning Organic over to the machinations of government and potential meddling by special interests.

As Secretary of Agriculture Dan Glickman pointed out at the press conference for the unveiling of the rules, "One, unified standard could clear the path and unleash even stronger growth in the organic industry. National standards would clear a similar hurdle on the international front. ...Greater income for small farmers and ranchers, stronger imports, one high consistent standard for consumers — clearly we have a lot to gain from this rule." The combination of USDA's delayed implementation, however and now the issuing of a bogus set of rules has instead dealt the industry a major blow.

In addition, all along the NOSB and the existing certifying groups have been very concerned about the fee structures that could be charged by USDA to administer the program. The danger is that excessive fees would quickly put the smaller certifiers out of business and that thousands of small scale farmers would also become disenfranchised. Unfortunately, these worst nightmares are now the reality in the proposed NOP rules. Many of the smaller, grassroots certification programs operate on shoestring budgets and rely on considerable dedicated volunteer labor and assistance. The pricey USDA monitoring provisions are incredibly bloated and burdensome in comparison.

Organic farmers are inured to being treated like an unwanted stepchild by the USDA. An Organic Farming Research Foundation study a year ago conducted a thorough search of all publicly funded USDA research projects and identified only 1/2 of 1% of them as having any content or relevance for organic practitioners. The tremendous growth of organic from a \$78 million industry in 1980, for example, to \$3.5 billion last year is now becoming harder to benignly neglect. That this growth is being led by consumers is something no politician can af-

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ford to overlook.

As a real, certified organic vegetable farmer, I've been dealing with some of the same area restaurants for some 22 years now. Since 1990, we have served a Community Supported Agriculture (CSA) project where 60 some local families are shareholders in the farm's production. People know us and they know the farm. If "Organic" as a true and viable label gets trashed, we'll still get by fine on our own well-earned

reputation. However, there are a lot of urban dwellers and others who live at the far end of the food chain who are totally dependent on what the market provides and it is USDA's legal purpose and bounded duty to act responsibly in all our names.

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## On the Environment: A View from the Sierra Club

TERRY SHISTAR

As the first hearings on the U.S. Department of Agriculture's long-awaited organic standards begin, environmentalists join organic growers and consumers in protesting the proposed rules. Sierra Club Executive Director Carl Pope states, "It is outrageous that USDA would propose regulations so inconsistent with the authorizing legislation, totally ignoring the recommendations of the National Organic Standards Board, which was created under the *Organic Foods Production Act* for the purpose of building a consensus. The proposed USDA organic standards are so seriously and thoroughly flawed that they must be withdrawn and completely rewritten. If the proposed rules are adopted, consumers who depend on organic products will lose all faith in the 'organic' label, which will threaten the existence of the \$3.5 billion organic industry."

Pope called upon Sierra Club members and other environmentalists and consumers nationwide to flood USDA with comments. "The proposed rule is a long technical document, and USDA is asking for detailed comments," he said. "But all they need to know is that the organic standards must reflect what the public understands 'organic' to be. This understanding is embodied in the *Organic Foods Production Act* and the recommendations of the National Organic Standards Board. The USDA proposed rule is so deeply flawed that it must be withdrawn and rewritten because of serious flaws stated below:

- The rule should adhere to the National Organic Standards Board National List. The club says that sections 205.20-205.28 of the rule ignore NOSB recommendations, usurps the authority granted to it by Congress, and changes definitions to give USDA broad latitude to loosen the standards on what materials are allowed in organic production.
- The rule should eliminate inappropriate materials allowed



*Organic is diversified agriculture.*

in sections 205.2-205.3, 205.7-205.9, 205.13, 205.16-205.17, 205.20, 205.22, 205.26, 205.28 of the rule. The USDA proposal conflicts with current practice, consumer expectations, and international trade. In particular, there is no place in organic agriculture for genetically engineered organisms, irradiation, sewage sludge, inerts not proven to be safe, and various materials allowed under superfluous categories of allowed materials and contamination.

- The rule should require higher standards for livestock than in proposed sections 205.13-205.15, 205.22, 205.24, as did the NOSB recommendations. In particular, animals must have access to outdoors, refeeding of animal parts and manure should be prohibited, antibiotic-treated animals should be removed from the organic stream, and all livestock feed should be organically grown.
- The rule should not price small farmers and small-scale

certifiers out of business. USDA proposes in sections 205.421-205.424 a regressive flat fee structure for certification and registration. This means that small-scale certifiers, farmers, and processors will pay a disproportionate share. Instead, a sliding fee system should be adopted to reduce the impact on small operators.

- USDA should stay out of eco-label business. The business of the organic standards is to define “organic.” USDA should do a good job with that and not try to control all information about inputs. The rule should not, as proposed

in Section 205.103, prohibit use of terms such as “pesticide free,” “antibiotic free,” “no antibiotics or hormones.” It is particularly outrageous that USDA should propose to prohibit such terms while allowing synthetic pesticides and antibiotics in organic agriculture.

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## On Science of Genetic Engineering

R.H. Richardson, Ph.D.

This is taken from testimony of R. H. Richardson, Ph.D, professor of Zoology, University of Texas at Austin on the proposed national organic standards in Austin, Texas on February 12, 1998.

For twenty years the standards of organic food production have evolved among producers and have been accepted as a mark of safety and quality by consumers throughout the United States and beyond. The *Organic Foods Production Act of 1990* was passed with the National Organic Standards Board serving as the gatekeeper for the accepted procedures of producers, codified in Texas and elsewhere, and understood by consumers. The proposed rule published in December extensively modify the intent of both the Act and the recommendations of the NOSB.

As a geneticist with three degrees from Land Grant Universities with concentrations in plant and soil science, plant breeding, genetics and experimental statistics, I speak from the perspective of a scientist regarding the use of genetically modified organisms (GMO's) as presently used in breeding technology. That is, genetically modified organisms have had genes inserted or modified by molecular transfers of DNA outside the process of sexual reproduction of the organisms. While this definition includes induced mutations, those have not been very effective and have developed no commercial interests. I will focus my attention on the more recently developed molecular techniques employing DNA, the genetic material, with in vitro (non-living) stages of gene transfer.

In the broad sense all domesticated plants and animals are genetically modified by humans for human purposes. The science of plant and animal genetics is much more recently developed, largely in this century. The technology of modifying the genetic architecture of plants and animals has exponentially become more efficient in certain ways, but simulta-



*Mixed cropping for pest control, diversity in the marketplace and soil fertility.*

neously has become much more narrowly focused in the nature of changes and the study of their broader effects. Extensive testing of selected lines in a variety of situations was the hallmark of the crop improvement programs of the 1930's, 40's, 50's, 60's and 70's. Specialized crops were extensively produced for industrial agriculture, and to a certain degree, specialized breeds of animals were produced. Beginning in the 1980's and accelerating in the 90's, highly efficient molecular and cellular techniques were developed whereby individual genes could be extracted from one species, and transferred to members of the same or a different species, or studied in a non-living condition. From an experimental science perspective, this was one of the greatest advances in this cen-

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*Open air, sunshine and pasture for organic pigs and kids.*

ture, and maybe in the history of biology.

From the perspective of food production, however, this powerful tool of gene identification and manipulation plays a very different role. The reasons may be categorized as follows:

Higher organisms have extremely complex genetic systems, with many genes comprising the elements of the systems. The interplay among the biochemical products of genes and the regulation of the genes in producing a multitude of biochemical products are poorly known outside the few systems that have been studied. Most of these genes have been studied in non-living states, and the few that have been studied in living systems are so far only fleeting glimpses of an entire genetic system. One does not understand symphonic music by learning to play a kazoo, much less know how to compose a symphony. In science we create models from those systems, but simple models are unreliable when we create sweeping generalizations. These models have existed only a few years. And,

while they represent tremendous advances in our understanding of these systems, and encourage us to speculate ambitiously about the nature of life and its origins and functions, rampant speculation cannot be considered to be knowledge, and it is irresponsible to represent claims of knowledge as fact.

Organic producers are much more conservative, and in my opinion their prudence is rational, based on observations of pest resistance breakdown in corn, hormone mimicry of certain pesticides, ecological effects of non-target species in biocontrol. Examples of the unknown features of the present genetic models include the multitude of effects of EACH GENE in the total SYSTEM of biochemical, developmental, and ecological dimensions of life. The science of genetics began this century when genes were first identified and modern genetics recognized as a basic tenet the ubiquitous complex interactions among genes and the interactions in their coded information. No gene controls only one feature of an organism, whether simple viruses or complex plants and animals. Furthermore, the ecosystem is equally complex and comprised of vast arrays of interactions among the species and individuals in each species. To assume that a change in a single gene has only the intended effect is naïve, and irresponsible. While the courts offer recourse to damage, the potential dangers may be difficult to prove and become manifest in breadth. I believe that the present situation with the tobacco industry could be a model for the future for many of the GMO's as presently conceived and being implemented. Organic production as presently conducted is taking the more prudent path and the path needs to remain clearly differentiated.

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## On the Chemically Sensitive

SUSAN PITMAN

This is the testimony of Susan Pitman for the Chemical Connection:

A Public Health Network of Texans Sensitive to Chemicals at the U.S. Department of Agriculture Public Health on the proposed national organic standards, in Austin, Texas on February 12, 1998.

If the national rules are adopted as proposed, "organic" food will no longer be organic enough to meet our needs or worth the extra money we are willing to pay for it.

An essential element in recovery from chemical sensitivity is a diet of food grown naturally in healthy soil without syn-

thetic or high tech inputs or processes. More and more people with other chronic disabling diseases including cancer, alzheimers, heart disease, and AIDS are joining us in appreciating the benefits of choosing this kind of food. Currently, we are all able to identify the food that helps us so much with

a fair degree of confidence by the organic label.

“Organic” is not about compromise to encourage less toxic farming practices or to open the lucrative organic market to more growers who cannot meet the currently accepted standards. Organic is about building healthy soil for healthy food for healthy people. Organic food is not about deciding if you’ll allow synthetic non-organic products and practices that you may personally feel are innocuous or “necessary.” Organic food is about offering people a high standard of purity and a clearly more healthful and healing choice so that they have the freedom to decide for themselves the risks they want to take and the benefits they want to achieve through food.

We need rules that give us a meaningful choice at the grocery store; rules that keep “organic” organic and

- prohibit irradiation, genetically engineered organisms, and sewage sludge;
- are true to the intent and terms of the *Organic Food Production Act of 1990*;
- follow the recommendations of the National Organic Standards Board; and,
- adhere to the high standards that we already have in the Texas Organic Program.

Specific problem areas in the proposed rules are detailed below.

## Subpart F – Additional Regulatory Functions

### 205.401 (c) State Programs

#### Preemption

We oppose preemption of local (or state) control, even at the discretion of the Secretary. It is the appropriate role of the Federal government to set minimum standards but the states and local governments should always be freely allowed the choice of making rules more protective of the public health so that they can deal with local problems in ways that make the most sense in local situations in a timely manner.

It is a violation of public trust to come up with standards that do not even meet the accepted definition of “organic” in the public perception and then make it difficult for states to develop and implement more protective rules. If states want to keep out inferior food that is labeled organic, they should be able to do so, especially if the national standards do not meet the standards of the commonly accepted definition of organic.

The conditions [(c)1-4] which the states must meet to make more restrictive requirements will effectively deny states the ability to rectify the problems contained in this proposed rule.

## Sections 205.22 and Section 205.26

### Genetically Engineered Organisms

We oppose genetically engineered organisms. Genetic engi-

neering may offer positive benefits in some circumstances but it does not belong in food labeled organic because the gene splitting and combining process does not happen in nature without man’s intervention. It is yet unclear how mixing genes between species will ultimately affect the health of the soil upon which the whole concept of organic growing is based. People should have the right to choose whether or not they eat genetically engineered food. In the absence of labeling requirements for genetically engineered foods, it is appropriate that the organic label provide the consumer this choice.

## Section 205.17

### Irradiation

We oppose irradiation. The dangers of food borne pathogens are managed naturally in organically grown foods and should remain so. There are too many questions about the safety and quality of nutrition of foods that have been irradiated. Irradiation can be used to increase self-life. Fruits and vegetables lose valuable nutrients the longer they go from field to consumption so, if nothing else, irradiation would tend to create a deceptive appearance of nutritional quality which may or may not exist if the food was irradiated.

## Section 205.7

### Sludge/Biosolids.

We oppose the use of sewage sludge and biosolids on organically grown foods. Human waste products have never been considered appropriate for organic food fertilization due to the human pathogens it carries. Sludge and biosolids are likely to contain toxic substances, especially heavy metals, which are taken up by plants and concentrate through the food chain. The proposed rules contradict the *Organic Foods Production Act of 1990*, which it seeks to implement.

*Susan Pitman is the network coordinator of The Chemical Connection, A Public Health Network of Texans Sensitive to Chemical. The Chemical Connection is a ten year old non-profit association of Texans which works to bring the collective knowledge and experience of chemically sensitive people to the Texas State Legislature and regulatory agencies to help mold more effective public policy. Achievements have included passage of state laws and regulations that require posting and notification for pesticide use, Less Toxic Pest Control (IPM) in Schools, and Guidelines for Indoor Air Quality in Schools. Susan Pitman can be reached at 310 Thomas Oaks Dr., Wimberley, TX 78676, 512-847-9245, P. O. Box 26152, Austin, TX 78755, 512-338-1108 (voice), 512-338-1190 (fax), hesolutions@earthlink.net, http://www.austin360.com/greenzone/vanguard.*