

National Organic Standards Board
USDA-AMS—TMP-NOP
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Room 4004-So. Ag Stop 0268
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Public Comment
NOSB Meeting-May 2009
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Vermont Organic Farmers LLC (VOF) is a USDA accredited certifier representing over 500 certified organic farmers and processors. The organization has been certifying producers since 1985 and has been accredited by the USDA since 2002.

The Northeast Organic Farming Association of Vermont (NOFA-VT) is one of the oldest organic farming organizations in the country with over 1,300 members – farmers, gardeners and consumers working to promote an economically viable and ecologically sound food system.

We appreciate the opportunity to comment on the NOSB's agenda items for the upcoming May meeting.

Compliance, Accreditation & Certification Committee

Peer Review

The implementation of credible and transparent peer review procedures to assist the National Organic Program in improving its accreditation procedures and decisions is long overdue. This has served to diminish confidence in and the perceived integrity of the USDA Organic label in the eyes of a large number of certified producers, manufacturers, accrediting agencies and consumers. What has become clear since 2002 is the need for a level of rigor, objectivity and professionalism in conducting reviews of the NOP's accreditation procedures and performance that would be extremely difficult for an assembled panel or task force of "peers" to achieve. These reviews must be conducted by independent auditing organizations with significant professional expertise in the accreditation of agencies similar to NOP. The integrity of organic products requires such an approach. In this regard, we strongly endorse the very thoughtful and constructive comments and recommendations submitted to the Board by Lynn Coody. Specifically, we urge the Board to strongly recommend NOP accreditation program compliance with the ISO 17011 standard.

Retailer Certification

We appreciate the committee creating a unique discussion document for retailers separate from grower groups. VOF currently certifies one natural food retailer. This retailer approached our organization voluntarily to become a certified organic facility. Their interest in getting certified grew out of their desire to be as committed as possible to the organic movement for their customers. We feel strongly that the current system where retailers voluntarily apply for certification is working. Requiring the certification of all retailers who carry organic product could have the unintended effect of decreasing the amount of organic product purchased. If certification is viewed as a hassle, retailers may be tempted to avoid organic product as a result. However, if a retailer voluntarily requests certification then all sites must be inspected. There is no reason to exempt retailers from having every site inspected. It would be an inequitable standard to uphold and could easily influence ACA's to limit the inspections for other processors to create an equitable approach. The rule requires that all facilities be inspected annually. The excuse that financial cost would discourage retailers from getting certified is not a good enough reason. In fact, for 2009 processors, including retailers, will again be eligible for federal cost share funding. This funding will reimburse processors 75% of the total certification cost up to \$750. This reimbursement can easily help defray the costs of certification that include extra expenses for inspecting each site. If retailers feel that the cost of certifying all sites is cost prohibitive, they should be encouraged to certify a few stores or to only certify the stores that have in-house restaurants and delis. If retailers voluntarily choose certification they must meet the same annual inspection requirements as other processors.

Personal Body Care Standards

We strongly encourage the NOSB to assist the NOP in creating an organic cosmetic program. Mislabeling of fraudulent organic cosmetic products discourages producers from certifying personal care products that can meet the food standards. However the current practice of using food standards to certify cosmetics is like trying to fit a square peg into a round hole. Cosmetics need their own comprehensive standards and enforcement of mislabeled cosmetics should be on par with enforcement of mislabeled organic food products.

Joint Crops & Compliance, Accreditation & Certification Committee

Biodiversity

We strongly endorse the recommendation of the Joint Crops & Compliance, Accreditation, and Certification Committee and urge the full board to adopt this document as its formal recommendation to the National Organic Program. The development of a credible and comprehensive standard in this area is long overdue and much needed to protect and further the perceived integrity of the USDA Organic label in the marketplace. This will only occur, however, if the new standard is fully and fairly implemented. We support the Committee's clear recommendation for the NOP to provide adequate training of accredited certifiers and inspectors to ensure that the

standard is carefully implemented, while at the same time recognizing the need to provide certifiers with flexibility to tailor inspection procedures to suit local farm conditions and characteristics. Due to the complexity of interpreting this standard "on the ground", NOP's auditing of certifying agencies for compliance must, at the outset, be supportive and instructive and lead, over time, to consistent implementation and rigorous enforcement. We appreciate the hard work of many people and organizations in helping the Committee develop its recommendations, particularly the excellent work of the Wild Farm Alliance.

Livestock Committee

Animal Welfare

The livestock committee has begun an important process by trying to define animal welfare requirements. The addition of regulatory language with guidance documents that help measure these standards are integral to making this process work. In addition to the areas outlined in the document, the committee should include more specific language on what steps should be taken to minimize pain when performing physical alterations. For example in regards to dehorning dairy animals a recommendation could read as follows, "Dehorning should be done at the earliest age practicable. It is permitted for calves within 60 days of age preferably in the first 30 days. The use of a local anesthetic is encouraged. However, dehorning of animals over 60 days of age should be performed using a local anesthetic by any person trained in the administration of the local anesthetic. In addition, if the producer, in consultation with their veterinarian, decides to also use general anesthetic or an analgesic, it must be an allowed material on the National List". Space per animal unit and opportunity to exercise should be better defined, and outdoor access for non-ruminants (poultry and pigs) should be included in this document. Keep up the good work! In order to keep the organic label meaningful, consumers need to understand that the organic industry is committed to humane animal husbandry.

Vitamins & Minerals Injected as Supplements

VOF strongly supports clarity on the allowance of injectable vitamins, minerals and electrolytes. As described in the document they are life saving tools for producers to treat such things as milk fever, grass tetany and white muscle disease. We do have 2 important suggestions for improving this recommendation. First, it has been our interpretation that vitamins and minerals are allowed as feed additives as a category without reviewing excipients. Excipients are allowed for use in the manufacture of drugs used to treat organic livestock, but not allowed for use in the manufacture of vitamins and minerals. Instead the National List describes the allowance of all vitamins and minerals (as a category) when approved by AAFCO (Association Of American Feed Control Officials). If approved by AAFCO as a vitamin and mineral the ingredient is allowed for example in a vitamin or mineral pack, without having to research further into the manufacturing of the vitamin and mineral. Thus injectable vitamins and minerals should also have a similar allowance. This is not uniformly practiced by all ACAs and

should be clarified. Second, these injected supplements should not be restricted to use by or on the order of a licensed veterinarian. We would suggest wording such as, "in accordance with FDA and restricted to use by any person trained in the administration of the injectable supplement". In our experience farmers are only using these injectable supplements to treat cows with chronic or acute illnesses. We have not found that these supplements are being overused. It is true that many producers obtain these injectables from their vet but it is also true that they can be obtained from the local feed store. Most importantly we support the clear allowance of injectable vitamins, minerals and electrolytes. If these supplements are not allowed, their absence will create animal welfare issues because they are an important tool for farmers and vets in preventing suffering in animals with illness.

Materials Committee

Nanotechnology

We thank the Materials Committee for bringing the topic of nanotechnology to wider attention and for inviting comments on its compatibility with organic standards and principles. We endorse and recommend the excellent comments submitted on this subject by the Center for Food Safety which urge the Board to prohibit the use of nanotechnologies and nanomaterials in certified organic production and manufacturing. In addition to those comments we would like to specifically emphasize that the environmental and human health effects of nanotechnology products have not been well studied and, due to the complexity of system interactions, are likely to remain poorly understood well into the future. Furthermore, consumer concerns about nanotechnology applications in food manufacturing have been well established. It makes them nervous. The last thing organic agriculture and certified organic farmers need is for the USDA Organic label to become associated in the minds of consumers with such a questionable and unproven technology, thus diminishing the acceptance of all certified organic products.