



Supporting the ethical development and stewardship of seed

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Toni Strother, Agricultural Marketing Specialist  
National Organic Program, USDA-AMS-NOP  
1400 Independence Ave., SW.  
Room 2646 So., Ag Stop 0268  
Washington, DC 20250-0268

August 12, 2011

Dear Ms. Strother:

Organic Seed Alliance (OSA) appreciates the opportunity to respond to the National Organic Program's (NOP) draft guidance on the commercial availability of organic seed. We are glad the department is moving forward in finalizing this guidance and look forward to working with your staff and the National Organic Standards Board (NOSB) in ensuring that ongoing support is provided to the organic seed sector for the benefit of organic agriculture.

OSA is a national non-profit organization that supports the ethical development and stewardship of the genetic resources of agricultural seed. Through research, education, and advocacy, we work to restore and develop seed varieties appropriate for organic systems; provide technical assistance in organic plant breeding and seed production; and promote policies that support the ongoing growth and success of organic seed systems. Our work is guided by the belief that seed bred in organic production systems is essential to the long-term success of the organic food industry.

We have carefully reviewed "Draft Guidance: Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production" (June 13, 2011) and believe the NOP could go much further in its guidance. Many of the NOSB's 2005 and 2008 recommendations are not included in this document – recommendations that we believe would increase the availability and use of organic seed.

We are disappointed that, as written, the draft guidance focuses more on exceptions to organic seed usage (how to get around the regulation) rather than providing instruction for how to support increased use of organic seed. The intent of the organic seed exemption was to provide a transition time for the seed industry to catch up to demand. Ongoing shortages of organic seed; unreliable data and poor information sharing; inconsistencies in implementing the rule; and the absence of

clear NOP guidance have all contributed to insufficient growth in the organic seed sector.

To demonstrate, OSA's 2010 Organic Farmer Seed Survey, which included certified organic farmers in 45 states, showed that only 20 percent of respondents used 100 percent organic seed. The remaining 80 percent of respondents pointed to a lack of availability or equivalency. Our survey also showed that 83 percent of respondents agree that varieties bred for organic systems are important to the overall success of organic agriculture.<sup>1</sup> The NOP can impact the success of the burgeoning organic seed trade, and thus, the organic industry as a whole, by providing clear and strong guidance on the organic seed usage requirement.

Our specific recommendations for the NOP's "Draft Guidance: Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production" include:

- **NOP should recommend a national organic seed database**
- **Certifiers should encourage producers to take extra measures to source organic seed**
- **The NOP should establish organic seed usage as an Organic System Plan goal**
- **Certifiers need more clarity on the issue of noncompliance**
- **Certified operators should be reminded of excluded methods to protect integrity**
- **Buyers should be required to support the organic seed requirement**
- **NOP must articulate its role in supporting the implementation of the guidance**
- **NOP should emphasize continuous improvement in the context of organic seed**

#### **(1) NOP should recommend a national organic seed database**

OSA agrees with the NOSB's assertion (2008) that we must work toward the goal of a healthy, viable organic seed industry. To achieve this goal, it is imperative that both the market supply and market needs — that is, which varieties are available as well as unavailable as an organic variety — are known to producers, handlers, certifiers, and seed suppliers. The lack of reliable data is one of the major barriers to building the organic seed sector. We wholeheartedly support a national database to serve as a clearinghouse of organic seed. NOP should recommend the use of this database in its guidance. NOP should also allocate funds on an annual basis to partially support the management, and ensure the success, of this valuable tool.

#### **(2) Certifiers should encourage producers to take extra measures to source organic seed**

Our 2010 survey results also show that when certified producers are encouraged to take extra measures to source organic seed — such as on-farm field trials or looking at more than three sources for a certain variety — producers respond by sourcing more organic seed. Certifiers must require producers go beyond three sources, a number we find arbitrary. At a minimum, producers should be required to consult "more than three sources," including a national database once implemented. Furthermore, while we do not want to force producers to use varieties that are inappropriate for their organic farming systems, we do need more producers to participate in organic seed systems by trialing and using organic varieties. Additional types of records demonstrating the use of organic seed or the commercial unavailability of organic seed include

documenting variety trials and their results, and documenting a third party's efforts on behalf of the certified grower (i.e., contract buyer or seed broker).

**(3) The NOP should establish organic seed usage as an Organic System Plan goal**

Certifiers should be required to work with producers to gauge improvements in organic seed usage year-to-year, be it percentage increases by variety or acreage planted to organic seed. Working toward a reasonable and measurable increase in organic seed usage should include: documenting efforts to source and trial organic seed; planning for transitioning to organic varieties; initiating an NOP-led incentive program for farmers to participate in variety trials on their farm; and providing educational materials and trainings to farmers and certifiers on the availability and benefits of organically bred and produced seed.

**(4) Certifiers need more clarity on the issue of noncompliance.**

When does the failure to source organic seed become a major noncompliance? What evidence is needed to pursue suspension or revocation based on the use of non-organic seed? The draft guidance is silent on these points. It is important that certifiers are provided with examples or situations where noncompliances would be appropriate.

**(5) Certified operators should be reminded of excluded methods to protect organic integrity**

Certified operators should be reminded that only non-organic seed that has been produced without the use of excluded methods (e.g., recombinant DNA technologies), ionizing radiation and sewage sludge may be used. In the face of genetically engineered crops, protecting the integrity of organic seed, and thus the organic label, has become increasingly difficult. Because seed is the first and most vital link in the organic production chain, protecting the integrity of seed is paramount to the success of organic, and should be an issue discussed at farmer and certifier trainings.

**(6) Buyers should be required to support the organic seed requirement.**

Buyers are often certified handlers who contract with producers to grow certain varieties, but too often these varieties are not available as certified organic. Questions about seed should be raised during handlers' inspections and in their Organic System Plan, since these contracts, not farmers, dictate whether organic or non-organic seed is purchased and planted. The organic food sector should work with the organic seed community to ensure that organic seed is available – or made available in the near future through investments and collaboration in organic plant breeding and production – for the varieties they require in contracts with producers. This is an obvious way to spur investment in the organic seed sector.

**(7) NOP must articulate its role in supporting the implementation of the guidance**

The policy section of the draft guidance describes the role of the producer and certifying agent but not the role of the NOP and the efforts that will be made to ensure the guidance is effectively implemented. We support the Organic Trade Association's suggestion to include the following language in the policy section:

The National Organic Program (NOP) will continue to address the use of organic seeds and planting stock during training programs for Accredited Certifying Agents (ACAs). Training efforts will include the development of an on-line training module. It will emphasize to ACAs that they should monitor their clients' use of organic seed for evidence of increased usage, including handling operations that make seed purchase decisions. Monitoring by ACAs of organic seed usage will be part of the NOP's accreditation reviews of ACAs. The NOP will encourage ACAs to regard noncompliances as a tool to be used when growers and handlers do not follow procedures intended to lead to greater usage of organic seed and planting stock.

**(8) NOP should emphasize continuous improvement in the context of organic seed**

Embedded in the NOP is the goal of continuous improvement. As such, the guidance document should stress continuous improvement in organic seed usage and clarify the requirements for ongoing documented efforts by certified operations to source organic seed, as discussed above.

OSA's previous comments encouraged the creation of an Organic Seed Task Force that would be charged with taking a comprehensive look at the multiple impediments and opportunities in building organic seed systems. We are willing to work with you in building this task force to look at breeding, production, and policy issues related to the commercial availability and use of organic seed. In particular, threats to organic seed integrity – from unwanted genetically engineered material to the concentrated ownership of plant genetic resources necessary for building the organic seed sector – are timely issues in need of a focused and diverse group of stakeholders.

We look forward to more conversations on these issues and thank you for taking these comments seriously as you finalize your guidance on the commercial availability of organic seed. We view the NOP as a partner in developing and protecting organic seed systems. Please let us know how we can further support your efforts.

Sincerely,



Kristina Hubbard  
Director of Advocacy  
Organic Seed Alliance

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<sup>1</sup> Dillon, Matthew and Kristina Hubbard. 2011. *State of Organic Seed*, Organic Seed Alliance (Section 6: Organic Farmer Seed Survey).