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Room 2648-S, Mail Stop 0268  
Washington, DC 20250-0268

Docket: AMS-NOP-18-0071

April 4, 2019

**RE: Materials Subcommittee Discussion Document: Genetic Integrity Transparency of Seed Grown on Organic Land**

Thank you for the opportunity to provide comments on the Materials Subcommittee's discussion document, titled: "Genetic Integrity Transparency of Seed Grown on Organic Land" (February 12, 2019). Organic Seed Alliance (OSA) is a mission-driven organization that works nationally to advance ethical seed solutions to meet food and farming needs in a changing world. Our research, education, and advocacy programs foster seed systems that are responsive to the needs of organic agriculture, resulting in more organic seed and more skilled organic seed producers.

**Background**

OSA appreciates the work of the Materials Subcommittee on this complex issue. Genetically engineered (GE) seed has been planted in our fields and sold in the marketplace for more than 20 years, yet the food and farming community has a profound lack of knowledge on the state of genetic integrity of non-GE seed. The USDA has not provided the agricultural community a transparent monitoring system that would provide useful data on the effects of GE material in seed used for breeding and sold in the marketplace as organic or non-GE.

Organic farmers have been responding to the challenge in a number of ways, including trying to mitigate gene flow in the field. Many seed companies are testing at-risk seed and redirecting lots that would be unacceptable to their customers to less valuable markets. There is no compensation mechanism to recoup these losses.

The subcommittee is currently exploring ways the seed industry can provide more transparency to their organic customers. The idea being proposed is to require organic field corn growers to request detectable levels of GE content in the non-GE seed they source from seed companies, and to use this information to understand the state of detectable

levels. There is a need to understand the feasibility of this proposal from various organic stakeholder perspectives and any unintended consequences.

### **Future proposals must be guided by data**

We have outlined our concerns with the subcommittee's pilot project proposal ("Genetic Integrity Transparency of Seed Grown on Organic Land," August 14, 2018) in two previous comments submitted on October 4, 2018 (AMS-NOP-18-0029) and January 2, 2019 (AMS-NOP-18-0071). Generally speaking, the direction that the subcommittee is headed in – requiring field corn growers to request detectable levels for the sake of transparency – is very different from the original intent of the subcommittee's work, which was to explore the feasibility and appropriateness of setting a threshold at the seed level. Progress toward exploring a seed threshold was slowed by the lack of data, which we and others in the organic community argued was necessary before moving forward. As the subcommittee explores other ways to address the genetic integrity of seed used by organic growers, including the pilot project cited above, the same need emerges: The organic community is hamstrung by a lack of information that's necessary for guiding this area of policy work.

We understand (and can appreciate) that the subcommittee's current approach is in response to the absence of a USDA task force, which many of us, including the NOSB, have called for in the past. We still believe a task force is best suited to carry out much-needed data collection in a way that is systematic and scientific to inform this area of policy. We don't think it's fair or effective to put this research need on organic farmers and the certification and enforcement system.

This data must continue to be a priority in order for the organic community and policy makers to understand the range and mean of detectable levels in at-risk seed, the extent of the problem at the seed level by crop type, the frequency of detection and amounts, and the presence in breeding lines, foundation seed, and commercial seed.

We very much agree that testing for and monitoring unwanted GE traits in seed used by organic growers is a good idea. The good news is that most, if not all, seed companies handling at-risk seed like field corn are already testing. But it's unclear whether companies are willing to share this information with their customers and if requiring this disclosure would have unintended consequences (e.g., reducing organic varieties in the marketplace because requiring disclosure leads to a de facto threshold that companies can't consistently meet). We believe the genetic integrity of seed used by organic growers is important to the integrity of the end product, but proposed policy solutions must be driven by data and an adequate review of the consequences – both positive and negative.

While the organic market continues to grow, organic field corn represents a small fraction of the market and acreage in the U.S. As a result, organic field corn producers have limited choices in organic seed and conventional/untreated seed, and much fewer options in varieties actually bred under organic conditions. We remain concerned about unintended consequences, including fewer organic field corn varieties available to growers, given that

some organic field corn companies view this approach as putting them at a disadvantage. Similarly, while the proposal may aim to incentivize organic seed sourcing, there is concern that it may have the opposite effect.

### **Organic Seed Alliance survey**

OSA views this discussion as an opportunity to gather additional data from the seed industry through qualitative research methods. This spring, we will interview seed companies selling field corn to organic growers (both companies that sell certified organic seed and/or untreated conventional) to better understand their genetic testing practices, internal protocols and procedures, ranges of detectable levels found, success rates in mitigating these levels, and whether they'd be willing to share detectable levels with their customers, to name a few. We are also interested in better understanding the needs of seed companies producing and/or supplying organic field corn seed.

We hope this information will be instructive to the NOSB's efforts. In the meantime, we offer the following next steps for your consideration:

- De-couple the transparency goal of your work from data collection. The October 2018 proposal seemed to have two goals: 1) collect more data to understand the problem of detectable levels in field corn used in organic systems, and 2) establish a tedious testing and reporting protocol to achieve more transparency in the marketplace. It is counterintuitive to address both of these needs simultaneously, since the results of the first step greatly inform the feasibility, structure, and stakeholders involved in the second. More importantly, this data collection should be conducted outside of the certification and enforcement system, as explained above.
- Instead, we encourage the subcommittee to focus on an expert body to collect baseline data on GMOs in organic and conventional/untreated seed – such as continuing to call for a USDA task force or another third party.
- Buyers, certifiers, extension, and grower groups should encourage organic operations that produce at-risk crops and sell to sensitive markets to request detectable levels from their seed suppliers before purchasing, instead of requiring that all field corn growers participate in this practice.
- We agree with the Organic Trade Association that a good next step would also be for the NOSB to provide recommended guidance for certifiers to the NOP on how to test for GE content when there's reason to do so (e.g., residue sampling).
- The subcommittee should include a clearly stated goal/purpose for this work in future discussion documents and proposals, and include all necessary context for the public's benefit. The discussion document at hand is very confusing, especially the questions. Furthermore, it's unclear if the end goal of this work is a regulatory change, guidance document, or both.

## Conclusion

Moving forward in this genetic integrity work, it's important to remember that the benefits of expanding the organic seed sector go beyond monitoring genetic purity and providing non-GE seed options. Seed is a farmer's first defense against agronomic challenges in the field. Organic producers face different challenges than their conventional counterparts, and rely on seed that performs well in organic conditions. Further investments in organic plant breeding and seed production will provide genetics suitable to a range of climates and regions, pest and disease pressures, and flavor and nutrition needs. When organic seed is available to meet these diverse needs, organic producers succeed – and so does the larger organic industry.

Increased availability and use of organic seed means more certified organic acreage, fewer organic farmers relying on seed that's produced in conflict with organic principles (grown with prohibited substances), and more farmers meeting the NOP's requirement to use organic seed. These are all factors that strengthen organic integrity.

We appreciate the subcommittee's work to tackle this complicated area, and look forward to working with the NOSB and broader organic community in finding the best solutions.

Sincerely,



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Organic Seed Alliance