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October 3, 2018

Ms. Michelle Arsenault, Advisory Committee Specialist
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. S.W.
Room 2642-S, Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-18-0029

Crops Subcommittee – Strengthening the Organic Seed Guidance

Dear Ms. Arsenault,

Oregon Tilth thanks the National Organic Standards Board and the Crops Subcommittee for the opportunity to comment on strengthening the guidance set forth on the use of organic seed and planting stock. We have historically supported that the use of organic seed and planting stock is a primary tenant of organic agriculture, and we are therefore in favor of many recommendations made in the ensuing proposals. We do, however, urge caution to not create such restrictive measures against the use of non-organic seed that unintended consequences, such as limited diversity in crop varieties and insurmountable barriers to certification, are realized.

Regarding Proposal 1:

Oregon Tilth agrees with the concept of evaluating operations towards continuous improvement in the sourcing and use of organic seed. However, implementing regulatory language that mandates a demonstrated quantitative improvement on an annual basis until achievement of full compliance may have the unintended consequences of creating certification barriers due to elements outside an operator's control. Additionally, it may diminish the availability of different varieties within the organic marketplace due to the unavailability of organic seed. Oregon Tilth supports the proposed language set forth by the ACA Subcommittee that provides stronger enforcement, but allows for operations with complex and diverse seed needs to be able to maintain certification:

(i) Continuous improvement in use of organic seed must be demonstrated over time with the goal of using only organic seed and planting stock. When non-organic seed is used, growers must demonstrate that their organic search is valid and improving.

Regarding Proposal 2b:

It is the position of Oregon Tilth that the addition of this language is not necessary. An operation may currently ask a seed supplier if they have a non-GM purity assurance statement, but there is no obligation for a seed supplier to provide such a statement. Therefore there is no advantage to adding this language to the guidance.



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Regarding Proposal 2c:

Oregon Tilth supports the inclusion of this guidance on the use of on-farm variety trials as one method that may be used to help determine the commercial availability of organic seed in a specific form, with the understanding that it is guidance and not mandatory regulation.

Regarding Proposal 2d:

We find the proposed language unclear; it does not prevent the use of non-organic seed that may have a higher level of GM contamination than organic seed that does not have the desired level of purity. This language indicates that if a grower cannot locate an organic seed with a specific purity level, s/he may then use non-organic seed that may have a much higher level of GM contamination. We recommend the removal of this language.

Regarding Proposal 3b:

Oregon Tilth supports continued improvement in the searching for and use of organic seed. However, we are unsure if increasing the number of sources in a commercial availability search will result in better organic seed procurement. The language regarding legitimate sources included in Proposal 3c below may be more effective in elevating the integrity of organic seed searches than increasing the required number of sources.

Regarding Proposal 3c:

Oregon Tilth supports the inclusion of this language, specifically that sources *should* include companies that offer organic seed and planting stock. We do not support language that limits searches exclusively to sources that offer organic seed and planting stock, as this could potentially restrict the ability to source seeds and planting stock that is specific to an operation, e.g. regionally-adapted seeds. Furthermore, by limiting searches to organic-only sources, an opportunity may be lost for conventional suppliers to realize the demand for organic seed and planting stock, and thus not have the incentive to begin to offer organic varieties.

Regarding Proposal 3e:

Oregon Tilth supports the addition of language that requires that, in the case of contracted growing, the organic producer must obtain sourcing information and documentation from the contracted buyer. Such language implements the expectation that the buyer must be responsible for conducting an organic search for the varieties that they are contracting to be grown, and eliminates the loophole for organic producers not to have to use organic seed when it is commercially available due to their contract stating they must grow a certain variety. Oregon Tilth has been requiring contracted growers to collect this information from their buyer, and would strongly support seeing this consistently implemented across all certifiers.

Regarding Proposal 4b:

Oregon Tilth supports guidance that noncompliances may be issued for repeated lack of progress towards sourcing organic seed and planting stock. We do, however, express caution that the use of the



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word “should” indicates that noncompliance is expected in all cases where progress is not being made over time. This does not leave a clear allowance for specific situations to be considered. We would support changing the word “should” to “may, as appropriate” although we acknowledge that noncompliances are already being used by certifiers for repeated lack of commercial availability searches, and this change in language may make this additional guidance unnecessary.

Regarding Proposal 4c:

Oregon Tilth believes that reviewing prevention measures taken to avoid contamination for the seed of crops at-risk of GM contamination is already occurring to the best that it can be as part of the OSP review and annual inspections and that the language of Proposal 4c is not necessary. Without a larger prevention plan involving *all* agricultural stakeholders, or an established GM threshold in organic production, there is not sufficient leverage to enforce whether or not contamination prevention measures are adequate.

Overall, we are supportive of the work being done to strengthen the practices of using organic seed and planting stock within the organic industry. Such work needs to include realistic parameters to create accountability for organic producers while supporting the complex reality that growers face. We thank the Subcommittee for the consideration of our comments.

Respectfully submitted,
Oregon Tilth

Oregon Tilth is a leading certifier, educator and advocate for organic agriculture and products since 1974. Our mission to make our food system and agriculture biologically sound and socially equitable requires us to find practical ways to tackle big challenges. We advance this mission to balance the needs of people and planet through focus on core areas of certification, conservation, policy and the marketplace.