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April 3, 2019

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-18-0071

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. The use of organic seed and planting stock is a pillar of organic agriculture, and we are in favor of the recommendations made in the ensuing proposal to revise NOP 5029 Guidance. We do, however, urge caution not to create overly restrictive measures against the use of non-organic seed that limit or lower diversity in crop varieties and create barriers to organic certification.

Regarding improvements to NOP 5029 guidance:

4.1.2 Oregon Tilth agrees that all use of non-organic seed which may also have a commercially produced GMO variety, may only be allowed with documentation that excluded methods were not used.

4.1.2(c): Oregon Tilth agrees with the additional options for searching and documenting commercial availability through on-farm seed trials and practical resources with the understanding that it is guidance and not mandatory regulation. We support 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.

4.1.2(d): Documentation of seed trials as mentioned in 4.1.2(c) would be required to demonstrate compliance. We support this requirement to be reviewed at the time of inspection.

4.1.3 We agree with the removal of this section. We found the proposed language to be 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.

4.1.6 The additional proposed language to include “**an organic vegetative crop**”, has caused some confusion. We would like to request that a definition of “vegetative crop” be included to ensure a consistent interpretation among certifiers. Additional clarification is requested as to whether the 12-



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month organic management period is restricted to stems, roots, and leaves or if this proposal affects fruits and nuts as well.

Oregon Tilth currently allows the harvest of organic vegetative crops from non-organic perennial planting stock immediately after planting. We have allowed this due to the lack of specific language that prohibits this practice in 5029. While we support the overall goal of moving the industry towards a position where organic planting stock is widely commercially available, we caution that consideration should be given to the effect the proposed regulation may have on restricting the diversity of varieties that would be available to organic growers. We also would request an appropriate implementation period for operations that have currently certified crops from non-organic perennial planting stock as previously allowed. For strawberries alone, this change in regulations would affect 65 OTCO growers.

4.2.1 Oregon Tilth agrees with the recordkeeping requirements as laid out in this proposal.

4.2.1(b): 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 non-organic suppliers to realize the demand for organic seed and planting stock. The opportunity to strengthen organic seed supply can and should be partnered with a clear call to action for non-organic growers to transition to organic production.

4.2.1(b)(3) Oregon Tilth supports the addition of language which will require the organic producer to obtain sourcing information and documentation from the contracted buyer in cases of contract growing. Such language fulfills 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 specific 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.

4.4.4 Oregon Tilth supports guidance that noncompliances should be issued for repeated lack of progress towards sourcing organic seed and planting stock.

4.4.5 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 for 4.4.5 is not necessary.

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



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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.