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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 ID: AMS-NOP-19-0038

Materials Subcommittee: Genetic Integrity Transparency of Seed Grown on Organic Land - Instructions to Certifiers

Dear Ms. Arsenault,

Oregon Tilth appreciates the opportunity to comment on the Materials Subcommittee Proposal, *Genetic Integrity Transparency of Seed Grown on Organic Land - Instructions to Certifiers*. We thank the subcommittee for its continued focus on the issues surrounding genetically modified (GMO) crops and potential contamination of seeds used on certified organic farms. Our organization has been actively engaged in working on these concerns for several years, and we know how complex and pressing the issue of GMO contamination is to the organic industry. We appreciate the opportunity to provide feedback to the subcommittee's most recent proposal on this critical topic.

Previously, Oregon Tilth provided comments on the Spring 2015 discussion document, *Prevention Strategy Guidance for Excluded Methods*; on the Spring 2016 discussion document, *Next Steps for Improving Seed Purity*; on the Spring 2018 discussion document, *Protecting the Genetic Integrity of Seed Grown on Organic Land*; and on the Fall 2018 proposal, *Genetic Integrity Transparency of Seed Grown on Organic Land*. We would encourage the Board to revisit those comments, as they expand on some of the same issues we address here in response to the "Instructions to Certifiers" proposal.

We appreciate the subcommittee's acknowledgement that additional research must be conducted and data collected before setting a firm threshold level for GMO contamination in organic crops. We also welcome the proposal's shift from focusing solely on field corn to *all* crops with a genetically engineered (GE) equivalent in the marketplace. We applaud the Board's repeated requests to the USDA National Organic Program (NOP) to fund a task force that would collect information on the genetic integrity of seed planted on organic land, and wholeheartedly support this request.

While we do not take issue with educating our clients about new methods to avoid GMO contamination of their organic crops, we feel it is imprudent of the committee to ask certifiers to promote this information without providing guidance on the appropriate responses to the questions and concerns that will arise. It is critical that we maintain consistent and clear in all communications across certifying agencies on this subject.

If certifiers are expected to encourage farmers to test the seed they grew or planting stock they purchased, we ought to be providing uniform information. Guidance is needed on the sampling method and amount to be sampled, as well as equipment needed to collect samples and how the products should be stored prior to sampling, to ensure that results are representative of the sampled lot. Laboratories that conduct the GE testing should be accredited and additional guidance should be provided on the criteria and testing methodology for GMO residues.

It has been made clear to certifiers that adventitious presence of GE traits found in organic seeds or food does not alone constitute a violation of the organic standards. However, while certifiers should be following up on any positive GMO test, it is unclear where the “contamination” line should be drawn. If a farmer whose organic crops came back with a low level of GE contamination was able to trace this contamination back to their seed supplier, what then is the next step for the certifier? Do we tell the farmer to find another seed source? Only private companies that have set their own GMO tolerance levels have the power to prevent a certain lot of GE-contaminated food from entering the organic marketplace. Certifiers, those who are supposed to be protecting the integrity of organic food, are being asked to collect information on the extent to which seeds are contaminated with GMOs, but then to take no action against GE contamination. This does put certifiers in a problematic position as gatekeepers of organic integrity, and will lead to consumer distrust in the organic label.

Oregon Tilth strongly believes creating a task force to collect information on the extent of GE contamination of seeds planted on organic land is imperative to finding a solution. Since we are confined to what we can change (within the organic regulations) and are hindered by GMO seed companies not taking responsibility for the pollution of their genetic material, we must take it upon ourselves as an industry to collect the data that would establish a baseline contamination level. This has been the lynchpin to finding a path forward for the past seven years in which we have been discussing the issue, and it is time for the NOP to act. One role of the task force should be to set up a method for confidential data reporting, which would allow them to collate and analyze the data already being gathered.

In lieu of this instruction to certifiers, Oregon Tilth suggests Policy Memo (PM) 11-13 be updated to include information regarding asking seed suppliers for the results of GE contamination tests. In the issue, “How do organic producers avoid contact with GMOs?” PM 11-13 already suggests testing seed sources for GMO presence. In the reply to this issue, the fact that many seed suppliers are conducting these tests and will provide the results when requested could be added.

In addition to updating PM 11-13, Oregon Tilth recommends updating the Notice to Certifying Agents, *Periodic Residue Testing of Organic Products*, to include additional information specific to sampling and testing for GE contamination. This should result in an update to NOP 2610, *Sampling Procedures for Residue Testing*, as well as the creation of additional instructions that include laboratory selection criteria and how certifiers should be responding to positive samples results. Oregon Tilth has participated in an Accredited Certifiers Association (ACA) working group that developed *Best Practices for Consistency in GMO Sampling*, and this may be a useful resource for the NOP in this effort. We believe these are the types of instructions that certifiers need in order to move forward in a proactive and consistent manner that will promote organic integrity and enhance consumer confidence in the organic label.

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 a focus on core areas of certification, conservation, public health, policy and the marketplace.