



2525 SE 3rd Street | Corvallis, OR 97333 | www.tilth.org | PH 503.378.0690 | FX 541.753.4924 | organic@tilth.org

October 7, 2014

Ms. Michelle Arsenault
National Organic Program
USDA-AMS-NOP
1400 Independence Avenue, SW
Room 2646-So, Ag Stop 0268
Washington, DC 20250-0268

RE: Docket: AMS-NOP-14-0063
Discussion Document
Second Discussion Document on Excluded Methods Terminology

Dear Ms. Arsenault,

Oregon Tilth would like to thank you for the opportunity to provide comment on the NOSB Discussion Document titled "Second Discussion Document on Excluded Methods Terminology". We generally agree with the ideas proposed in this discussion document to help clarify excluded methods terminology.

Summary

Overall, we agree with the ideas presented within this document and see them as good framework to provide the NOP with clear direction and information when determining how to proceed with this issue. We feel that Guidance would provide the flexibility necessary to keep up with industry changes.

Additionally, OTCO would encourage the committee to consider discussing genetically modified organisms that are used to produce a substance and to incorporate this into any final recommendations that are made.

Time to Update

Oregon Tilth agrees that the current definition of excluded methods is out dated and needs to be updated. The definition from the Cartagena Protocol noted in the document is more comprehensive and better describes the current world of biotechnology. We feel that this is a good resource for providing further guidance on the intent of the definition currently residing within the regulations.

Guidance Is the Way to Go

Oregon Tilth agrees with the subcommittee that a guidance document would be a good home for clarification on this topic. The public nature of the document provides the transparency that is needed when discussing excluded methods and related terminology. The ever-changing techniques and methods used in the biotech industry would require an adaptable tool from the NOP that can be updated easily.

We also agree that a table dedicated to different methods of genetic modifications and clear answers to the question “Excluded Method, or Not?” would be very advantageous to Accredited Certifying Agencies when determining compliance related to excluded methods.

Process Based System

Oregon Tilth believes that a process-based system should be maintained within any guidance that may be developed from this discussion document. As noted in the document, the Federal Rule is a process based standard and to ensure consistency with other systems present, the guidance should remain process based as well. This is not to say that there are not product based validation tools available to ACAs. Periodic residue testing provides certifiers the option to validate several process-based systems under the rule. Not only is pesticide residue analysis used to validate systems, testing of agricultural materials for genetically modified traits is also a way to validate the prohibition of the use of excluded methods. Several ACAs, OTCO included, have incorporated GMO testing into their annual residue testing plans.

Products of Genetically Modified Organisms

Oregon Tilth would also appreciate points of clarification brought to the discussion on substances produced from genetically modified organisms and how they potentially fit within the definition of excluded methods. We feel that there is a lack of clarity amongst certifiers on this topic. How far back should a material be evaluated for the use of excluded methods? For example, the production of citric acid or vitamins and the organisms used to produce these materials. While this is loosely addressed in other NOSB Recommendations, we feel it should be specifically discussed and addressed in any final recommendations made.

Respectfully submitted,
Oregon Tilth, Inc.

Oregon Tilth, Inc. is a non-profit 501(c)(3) organization that supports and promotes biologically sound and socially equitable agriculture. Oregon Tilth offers educational events throughout the state of Oregon, and provides organic certification services to organic growers, processors, and handlers internationally. An NOP accredited certifier since 2002, Oregon Tilth currently certifies over 1,400 farms, ranches and handlers affording us a broad perspective of current practices and challenges faced by organic producers and handlers.