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

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
Materials Subcommittee – Genetic Integrity Transparency of Seed Grown on Organic Land

Dear Ms. Arsenault,

Oregon Tilth thanks the National Organic Standards Board and the Materials Subcommittee for the opportunity to comment on the genetic integrity of seed grown on organic land. GM contamination of seed and products is a top concern in the organic industry, presenting formidable challenges due to the way GMOs perpetuate and spread through the environment. Oregon Tilth supports the general principle of collecting data to establish a baseline analysis of the extent of GM contamination of organic crops. Such a baseline would be an essential precursor to moving forward with establishing GM thresholds within the USDA National Organic Program regulations. The extent to which this proposal goes to implement the mandatory participation of all organic field corn growers, however, is of concern.

We advise caution before mandating seed purity disclosures for seed grown in organic production. Certifiers would only be able to require organic seed companies implement testing and provide a purity statement on their seed labels. However, there can be no such enforcement for non-organic seed companies to test their seed, or report the test results in a public manner, such as on their seed tags. If non-organic seed companies are unable or unwilling to provide required GM purity threshold verification information to organic producers, it may lead to reduced diversity in the varieties of such crops that are available to organic producers. Furthermore, GM tests range from $300 to more than $600. Testing costs increase per seed lot. Sharp increases in the financial burden on organic seed producers could lead to a decline of available seed for use in organic production. Organic producers may then only have access to seed unsuitable for their region or customer needs.

Additionally, organic and non-organic seed companies alike would likely be very reticent to put public, quantifiable statements of GM content on their seed tags. Any admission of GM content in their seed could be a liability for them, as the GM content is under patent and the patent holder could sue them. Even if a non-organic seed company wanted to sell their seeds to organic producers, implementing a requirement for public labeling of the percentage of GM traits could end up being a significant deterrent for them to supply the organic market. Collecting this data to create transparency and work towards solutions for diminishing GM contamination is important. However, doing so without proper protections in place for producers that have genetic trespass — through no fault of their own — exposes them to great financial

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

and liability risk. Many private companies and some private verification programs already have data sets that would facilitate an understanding of baseline GM contamination of organic crops, and several have gone on the record at previous NOSB meetings to state that they would be happy to work with the Board in providing this information. If there were a mechanism for these organizations to offer their GM testing data to the NOSB in a confidential manner, this would be a huge step forward in being able to define the extent of GM contamination without prematurely creating mandatory participation for all growers.

Overall, we support steps being taken by the organic industry to be transparent with regards to GM contamination levels within organic production. It is an important conversation to be had, and it is an incredibly difficult situation to resolve. The process of collecting data should not be done in a manner that puts organic producers at risk, especially when it is most often the case that contamination occurs through no fault of their own. We thank the Subcommittee for 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, public health, policy and the marketplace.