



THE CENTER FOR FOOD SAFETY

4 May 2009

Ms. Valerie Frances
Executive Director
National Organic Standards Board
USDA-AMS-TMP-NOP
1400 Independence Ave. SW
Room 4008 – So., Ag Stop 1268
Washington, DC 20250-0268

RE: **Docket No. AMS-TM-09-0014**

Comments to the National Organic Standards Board

My name is Lisa Bunin and I am the Campaigns Coordinator for the Center for Food Safety. CFS is a non-profit membership organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by promoting organic and sustainable agriculture. CFS represents people across the country who support organic food and farming, grow organic food, and regularly purchase organic products.

My comments today will address the issues of biodiversity, peer review, and nanotechnology.

Biodiversity

CFS urges the NOSB to support the Guidance Document Recommendations of the Joint Crops & Compliance, Accreditation and Certification Committee on the implementation of biodiversity conservation measures in organic agriculture systems. Conserving biological diversity on organic farms reinforces the spirit, intent, and letter of the Organic Foods Production Act (OFPA). Biologically diverse farms maintain and enhance natural habitats which support pollination and pest control, essential elements of thriving farm systems. They also reduce the need for introduced beneficial insects, honey bees and the associated costs to farmers. Native vegetation prevents soil erosion, improves water retention, and filters out pathogens and nutrient pollutants to help maintain clean water supplies on farms and in surrounding communities. By allowing and restoring wildlife corridors on farms, rodent-eating predators keep pests in check, native species resist extinction, and biological diversity thrives.

In the face of critical global warming challenges, biodiversity conservation can also help reduce or manage the adverse impacts of climate change on farms. Good biodiversity conservation practices help create the agroecological conditions under which food production systems can adapt to climate change and still maintain their productivity. Biological conservation measures can also mitigate global warming impacts by sequestering carbon through the planting of cover crops, perennial crops, native vegetation, and intercropping. These same practices increase soil microbial activity and diversity, and create habitats for beneficial insects and predators, all of which enhance the resiliency of farm systems and improve the overall biodiversity of the surrounding environment. Diverse farming systems are less vulnerable to new pests, the loss of beneficial insects, and drought. They not only minimize the risks associated with a single crop failure, which could be catastrophic in a monocropped system, but they also strengthen the ability of the larger ecosystem to adapt to climate change.

CFS believes that organic farmers, inspectors, certifiers, the NOSB, and the NOP must all do their part to ensure that biodiversity conservation measures are developed and implemented, as per the guidance document recommendations. Biological diversity requirements must be incorporated into the Materials Review process to ensure that any new materials under consideration do not adversely affect biodiversity. On the farm, must make biological conservation a priority by incorporating such practices in their Organic System Plans (OSP). Implementing a standardized organic inspector training program will facilitate consistent interpretation and verification of conservation measures and ensure that farmers are treated equally across the country. Once the NOP's Audit Review Compliance Checklist contains agreed upon biodiversity conservation questions, and once organic certifiers include biodiversity questions in every audit, the biodiversity standards can be uniformly enforced by certifiers.

We urge the NOSB to support the adoption of the biological conservation recommendations proposed by the Committee so that farmers, wild nature, communities, and future generations can all enjoy the benefits.

Accreditation

CFS is pleased to see that the NOSB is directly addressing the issue of peer review and certification accreditation in the guidance presented by the Compliance, Accreditation, and Certification Committee.

Shortly after NOP established its accreditation program, CFS and others repeatedly urged USDA to comply with the mandatory standards and procedures of the OFPA to ensure that certifying agents operating under the Act are accredited and in full compliance. Since no action was forthcoming from USDA, on 16 October 2002, CFS, Beyond Pesticides, the National Campaign for Sustainable Agriculture, Rural Advancement Foundation International, and the Union of Concerned Scientists filed a citizen's *Petition for Rulemaking and Collateral Relief Seeing the Creation of an Accreditation Peer Review Panel for the National Organic Program*, under the OFPA. We have not yet received a formal reply to our petition.

CFS and its partner organizations filed our petition in response to growing public concern about whether the NOP was properly performing its role as accreditor of organic certifying organizations. The intent of our petition was to highlight the critically important oversight role that the Peer Review Panel plays in ensuring the integrity of the organic label and in maintaining public confidence in organic products labeled with the USDA certified organic seal. We feel strongly that the Panel must be comprised of individuals who not only have expertise in organic production, handling, and certification procedures, but also that have experience with methods used to audit against ISO 17011, the industry standard for evaluating accreditation bodies.

The USDA has still failed to take appropriate action to institute a legally mandated Peer Review Panel to oversee NOP's accreditation procedures and decisions. CFS hopes that the circulation of this latest guidance is indicative of USDA's commitment to quickly establish the long-overdue Peer Review Panel and accreditation system.

We agree with the comments of Lynn Coody, Jim Riddle, and the National Organic Coalition (NOC) that the PRP should not be a Task Force of the NOSB. Instead, we urge you to enlist the services of the US Department of Commerce's National Institute of Standards and Technology (NIST) to manage the program as a part of its National Voluntary Conformity and Assessment System. (NVCASE). NVCASE has the authority to grant recognition to organic accreditation systems that are ISO 17011 compliant. Formal recognition of NOP's accreditation system as ISO 17011 compliant will instill credibility in the NOP-certified organic label both nationally and internationally.

The Peer Review Panel is a critically important oversight mechanism designed to ensure that USDA's accreditation procedures are followed and to assist the NOP in improving the quality of its accreditation audits. We urge the establishment of a Peer Review Panel without delay.

Nanotechnology

The position of CFS on nanotechnology is that it should be listed as an excluded method under the organic rules because it creates novel, patented substances that are prohibited.

Intentionally engineered and manufactured nanomaterials have the capacity to be fundamentally different than the bulk materials from which they are derived, by exhibiting new chemical, physical, and biological properties. Therefore, nanomaterials should be defined as synthetic and prohibited under the organic rules.

It is worth noting that there is a precedent for prohibiting nanotechnology in organics. In 2007, the UK Soil Association, one of the worlds' largest certifiers, prohibited manufactured nanoparticles in organically certified products.

Companies are already selling packaging and food contact materials that incorporate antimicrobial nanomaterials. The packaging itself commonly contains nanoparticles of silver, but it can also contain nano zinc oxide or nano chlorine dioxide, all of which act as antimicrobials while the food remains in the package. This and other commercial

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applications of nanotechnology in food and agriculture are quickly expanding without government oversight or labeling, and in the absence of adequate risk and ethics research. It is quite possible that certain sectors of the organic industry already may be considering employing these nanotechnology applications.

We urge the NOSB and NOP to take a precautionary approach to nanotechnology and act now to protect the integrity of organic by prohibiting nanotechnologies and nanomaterials. Since this is the first time that the NOSB has addressed the nano issue, we recommend that the next step should be to clarify that the organic standards exclude nanotechnology and nanomaterials through guidance or rule-making process.

Thank you.

Respectfully submitted,

Lisa J. Bunin, Ph.D.