

1 Any other -- okay. Moving on, we have Joe
2 Mendelson, and next up Liana Hoodes.

3 MR. MENDELSON: Good morning. I'm Joe
4 Mendelson. I'm the Legal Director for the Center for
5 Food Safety. I want to thank the Board and the
6 program for all their hard work over the last several
7 days.

8 Two brief comments. The first is more of
9 a response to some comments that were made earlier in
10 the week, and that to paraphrase those comments that
11 the goal of the Board and the program should be to --
12 an almost undue speed in -- in a promotion sense you
13 get to a point of 20 percent acreage for organic
14 production, and we shall be striving to that, and
15 that's the main goal.

16 And certainly the Center for Food Safety
17 wants to see as much acreage as possible under organic
18 production. But I just want to remind the Board and
19 others that the goal, and specifically the legislative
20 history of the Board, is to set standards, and to make
21 sure when we get to 20 percent there's a road map on
22 how to get there.

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1 You know, percentage of acreage doesn't
2 mean anything if the standards don't mean anything.
3 And to suggest that folks in certain communities who
4 are trying to make sure that the standards maintain
5 what they feel their constituents -- consumers and
6 environmental advocates -- have substance that those
7 constituencies want to see doesn't mean we're trying
8 to hinder in any way the expansion of organic.

9 On the contrary, we want to make sure that
10 organic expands, but it also means something because
11 that's the goal is to have organic mean something.

12 The second is to follow up on the comments
13 of Urvashi Rangan from Consumers Union on the
14 enforcement issue. I believe I commented a couple of
15 Board meetings ago, and still am working on a paper I
16 promised the Board, but we do have this -- this issue
17 of enforcement that I don't think is resolved.

18 I mean, there was some suggestion this
19 week that folks dealing with personal care products,
20 while I'm not making any comment on whether they
21 should be within the program or not -- and I certainly
22 sympathize with some of the folks who had earlier

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1 testimony on that -- but the idea was that if the
2 personal care products aren't under the scope of the
3 program, they can still go to an organic certifier to
4 get certified, they just can't have the USDA seal.

5 And I think we -- if that's the road we
6 want to go down, that folks can use the term "organic"
7 without representation or without standards through
8 this process for agricultural products. We're
9 creating a two-tiered system. And as Urvashi
10 mentioned, it is happening in fish, and it would
11 happen in -- in personal care products.

12 And that is that people are out claiming
13 that they're organic, implying that they meet USDA
14 standards, whether they use the USDA seal or not,
15 when, in fact, both the program and this Board have
16 not made substantive findings as to what those
17 standards are.

18 And it's very clear that the -- the law,
19 6519(a), says, "Any person who knowingly sells or
20 labels a product as organic, not with a USDA seal,
21 except in accordance with this chapter, shall be
22 subject to civil penalties not more than \$10,000."

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1 I don't think we want to endorse or create
2 a system by which people are out there using the term
3 "organic" when we don't have substantive standards.
4 And that term, as Urvashi mentioned, does imply,
5 whether the seal or not, to consumers that it's
6 meeting some type of USDA endorsement.

7 That may be very unfortunate to people
8 who, if the program and the Board decide that personal
9 care is not within the scope -- and I can sympathize
10 with that -- but the fact of the matter is to -- to
11 have -- the solution isn't to have product out there
12 labeled organic, and have consumers misled on -- on --
13 and I would hope we would try and come to some
14 resolution.

15 I don't think we're -- we've really gotten
16 -- we've talked about scope, but we don't talk about
17 how the program is enforcing. And I don't think
18 enforcement of just pulling the seal is enough. I
19 think it's the term "organic" that really is the heart
20 of the matter.

21 Thank you.

22 CHAIRPERSON RIDDLE: Thanks, Joe.

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