



BEYOND PESTICIDES

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April 1, 2019

Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Docket ID # AMS-NOP-18-0071-0001

Re. CS: Proposal to Strengthen Organic Seed Guidance

These comments to the National Organic Standards Board (NOSB) on its Spring 2019 agenda are submitted on behalf of Beyond Pesticides. Founded in 1981 as a national, grassroots, membership organization that represents community-based organizations and a range of people seeking to bridge the interests of consumers, farmers, and farmworkers, Beyond Pesticides advances improved protections from pesticides and alternative pest management strategies that reduce or eliminate a reliance on pesticides. Our membership and network span the 50 states and the world.

NOP's broad exemption allowing the use of conventionally produced seed maintains inconsistency in the enforcement of organic standards. Enforcement must be a first step to strengthening the organic seed requirement –certifiers must enforce consistent and uniform adherence to the present organic seed requirements. Therefore, we support the proposal to strengthen organic seed guidance.

We do not want to slow the adoption of these improvements by bringing up substantive changes to the motion at this meeting, but there are some additional improvements that should be made:

1. **The absolute prohibition on non-organic seeds that applies to sprouts should also apply to other crops not grown in soil.** Like sprouting, the production of microgreens is essentially a way of processing seeds. Microgreens are produced quickly, and one cannot expect that systemic chemicals in the seeds will disappear in the process.
2. **Even when seeds and plants are not commercially available, organic growers must not use seeds and plants grown with prohibited substances.** The regulations state (emphasis added):
§ 205.204 Seeds and planting stock practice standard.
(a) The producer must use organically grown seeds, annual seedlings, and planting stock: *Except,*

That,

(1) Nonorganically produced, **untreated seeds and planting stock** may be used to produce an organic crop when an equivalent organically produced variety is not commercially available:

Except, That, organically produced seed must be used for the production of edible sprouts;

(2) Nonorganically produced seeds and planting stock **that have been treated with a substance included on the National List of synthetic substances allowed for use in organic crop production** may be used to produce an organic crop when an equivalent organically produced or untreated variety is not commercially available;

(3) Nonorganically produced annual seedlings may be used to produce an organic crop when a temporary variance has been granted in accordance with §205.290(a)(2);

(4) Nonorganically produced planting stock to be used to produce a perennial crop may be sold, labeled, or represented as organically produced only after the planting stock has been maintained under a system of organic management for a period of no less than 1 year; and

(5) Seeds, annual seedlings, and planting stock treated with prohibited substances may be used to produce an organic crop when the application of the materials is a requirement of Federal or State phytosanitary regulations.

There is, therefore, no excuse for using plants that have been treated with prohibited substances. This includes, for example, plants grown in fumigated soil or from seeds treated with neonicotinoid pesticides.

3. **Perennials grown as annuals should be treated as perennials in the first year of growth**, which would prohibit growers from selling the products of non-organically produced plants as organic and would promote the use of organically grown plants. **Regardless of whether perennials grown as annuals are treated as annual planting stock as proposed or as perennial stock as we would prefer, they must be held subject to commercial availability standards, and produced without prohibited substances.** Therefore, for example, organic strawberry growers should never be allowed to sell as organic strawberries grown in soil fumigated with prohibited substances.
4. The list of documentation needed to support efforts to source organic seed and planting varieties when varieties are dictated by handler buyers shows that the organic producer continues to be held responsible for the actions or inactions of those who cannot be held accountable through the NOP, and this problem needs to be addressed. As has been suggested by many in the course of discussing fraud prevention, **all handlers of organic products must be certified in order to hold them accountable.**

Thank you for your consideration of these comments.

Sincerely,



Terry Shistar, Ph.D.
Board of Directors