



# Keeping Organic Strong

Why should organic consumers be concerned about chemical-intensive production of oranges? See page 21.

The importance of public participation in maintaining the integrity of organic standards and labeling

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**T**he gatekeeper of organic standards, the National Organic Standards Board (NOSB), held its fall 2019 meeting in Pittsburgh, Pennsylvania amid ongoing controversy about the integrity of the USDA organic seal. Despite the threats to organic integrity, organic overall continues to achieve a remarkable elimination of toxic pesticides in commercial food production with practices that support local ecosystems.

## CONTROVERSIES NEED RESOLUTION

There are blemishes on the industry that risk undercutting public trust in the organic market that has been built by years of investment. At an NOSB meeting in 2017, the board failed to prohibit organic certification of hydroponically grown food with permitted inputs, sometimes referred to as soil-less production. The controversy pertains to the foundational importance of soil and the natural cycling of nutrients in organic agriculture. (See Box 1, p. 20.) The National Organic Program (NOP) in USDA has disrupted some critical board functions, including the decade-old process for sunseting allowed synthetics in organic production and processing on a five-year cycle. NOP has turned the process for relisting allowed substances from requiring a 2/3's (super-majority) vote of the NOSB to retain a synthetic material on the allowed list to a review process that requires a super-majority vote of the board to delist a material. This effectively changed the default assumption that unless a near consensus of the board could be reached, synthetics should not be allowed in organic. Ongoing questions of industrial scale livestock operations deny animals access to pasture. And, certification standards by some third-party organic certifiers are allowing practices and enforcement violations that sully an otherwise rigorous oversight and inspection system that is found nowhere else in U.S. agriculture.

## THE NOSB AGENDA

The fall meeting did not delve into the controversies that threaten to disrupt the organic market. In large part, that is because USDA has stripped away the NOSB's authority to set its own agenda and workplan. The body no longer has the power to focus on important issues like macro violations of the law and critiquing NOP enforcement efforts. In this context, the responsibility to protect and reinforce the integrity of the organic standard setting process, practices, and allowed materials falls to organic consumers and producers, through independent programs like the Real Organic Project and Beyond Pesticides' OrganicEye project.

The controversies that did emerge at the fall 2019 NOSB meeting go to the core values and standards of the law governing the production, processing, and labeling of organic food. To those who do not follow the process, the debate on allowed substances may seem technical and esoteric, but, in fact, they go to the heart of the food production system and whether organic will continue to strive to meet the challenges of a clean food production system that protects the environment, farmers, farmworkers, biodiversity, and people. While the meeting focused on allowed substances, the larger issue looming over these decisions is the protection of hard fought organic integrity and public trust in all aspects of the organic system.

## NITRITES IN ORGANIC?

While almost all votes at the NOSB meeting were unanimous—relating mostly to either adding or maintaining synthetic/non-organic materials on the list of allowed substances—the debate on the continued allowance of nitrates and nitrites in curing meat raises questions that go to the heart of organic integrity. Nonorganic celery concentrates nitrates, which it

## OFPA and Hydroponics



The *Organic Foods Production Act* (OFPA) embodies a vision of ecosystem complexity that is incompatible with using bags of nutrients as a basis for organic fertility. In particular, hydroponic and container systems are inconsistent with the following sections of OFPA:

- **OFPA §6503(c)** In developing the program under subsection (a), and the National List under section 6517 of this title, the Secretary shall consult with the National Organic Standards Board established under section 6518 of this title. [The NOSB recommended against allowing hydroponics in organic production in 2010.]
- **OFPA §6513(b)** An organic plan shall contain provisions designed to foster soil fertility, primarily through the management of the organic content of the soil through proper tillage, crop rotation, and manuring. [Fertility in hydroponic and container systems comes from added nutrients, not soil fertility.]
- **§6517 (b) Content of list.** The [National List] shall contain an itemization, by specific use or application, of each synthetic substance permitted under subsection (c)(1) or each natural substance prohibited under subsection (c)(2). [No material on the National List is specified for use in hydroponics or containers.]
- **§6517(c)(1)** Exemption for prohibited substances in organic production and handling operations. The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if—
  - (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances—
    - (i) would not be harmful to human health or the environment;
    - (ii) is necessary to the production or handling of the agricultural product because of the unavailability of wholly natural substitute products; and
    - (iii) is consistent with organic farming and handling;
 

[Materials used to deliver fertility to hydroponic and container systems have not been evaluated and found necessary and consistent with organic practices.]



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absorbs from the soil that may be treated with synthetic fertilizers, and those nitrates are then applied in the curing process in the form of nitrites in fermented celery powder. This situation raises for the NOSB the question of whether there are alternative processing methods—or, if not, whether the treated meats (e.g., bacon) should qualify for the organic label. It is often the processing of agricultural products that introduces questionable inputs or substances. In this regard, the NOSB does not challenge whether a product should be available in market, it simply determines whether the end product qualifies for the organic label.

Beyond Pesticides had commented in previous sunset rounds in favor of removing non-organic celery powder, but the issue received much more attention going into this meeting as a result of a petition that Consumer Reports (CR) and the Center for Science in the Public Interest (CSPI) has filed with the Food and Drug Administration. The petition applies to processed meat in general, not only organic meat. It highlights the fact that meat that is processed using celery powder instead of chemical nitrates and nitrites is allowed—in fact, required—to be labeled “uncured.” Such products are generally labeled “does not contain nitrates or nitrites.”\* The asterisk leads to a footnote in tiny print saying, “except that contained in celery powder or sea salt.”

CR and CSPI supply research showing that the nitrites in fermented celery powder (which is the form used in “uncured” processed meat) has identical properties—including reacting with meat protein to form carcinogenic nitrosamines—to the chemical form found in “cured” meats. This is an important issue for organic processing because the *Organic Foods Production Act* (OFPA) states, “For a handling operation to be certified under this chapter, each person on such handling

operation shall not, with respect to any agricultural product covered by this chapter— . . . (3) add any sulfites, except in the production of wine, nitrates, or nitrites.” Additionally, it should be noted, a clear legal requirement for the allowance of a synthetic or non-organic agricultural ingredient on the National List is that it is safe for human consumption. In spite of this clear instruction in OFPA, the findings related to serious health concerns, and labeling misrepresentations raised by CR and CSPI, none of which were disputed by NOSB members, the board voted 12-1, with one abstention, to retain celery powder as an allowed ingredient in organic meat.

### ORANGE PULP

One issue that did not appear to be controversial going into the meeting resulted in the most board disagreement. Orange pulp produced by chemical-intensive agriculture came into the meeting with a 4-1 vote in the Handling Subcommittee in favor of removal, but was kept on the National List by a vote of 7-5 in favor of removal, with one abstention. Under current sunset rules, a two thirds majority is required to remove a material from the National List.

After NOP reversed the sunset process, which later was muddled by a provision in the Farm Bill advanced by agribusiness-friendly Senators, materials like non-organic orange pulp

typically do not sunset. In the past, this 7-5 vote by the NOSB would have resulted in the prohibition of orange pulp, with its potential agrichemical residues, from organic product formulations.

### GENETIC ENGINEERING

The NOSB received thousands of comments emphasizing that genetic engineering is not acceptable in organic production. There was no controversy concerning the proposals on further clarification of the definition of excluded methods or genetic transparency of seed grown on organic land. Those comments were intended to send a message to USDA’s Undersecretary for Marketing and Regulatory Programs, Greg Ibach, who had indicated in Congressional testimony in July that gene editing might be acceptable in organic production.

### CONCLUSION

Public engagement with the NOSB process is critical to the future of and public trust in the organic market. Through its *Keeping Organic Strong* campaign and webpage, Beyond Pesticides tracks the issues before the NOSB and provides the public with draft comments on all the issues before the board. It is only with public involvement in the NOSB process that we will ensure accountability to consumer and farmer expectations of organic practices.

#### BOX 2

### The Launching of OrganicEye

To elevate our voice, Beyond Pesticides announced the formation of a new investigative arm, OrganicEye. This watchdog agency will focus on defending the “time-honored philosophy and legal definition of organic farming and food production.”

With Beyond Pesticides’ executive director having served on the National Organic Standards Board, we believe that certified organic production must continue to offer a healthier marketplace alternative and critical environmental protection.

As organic agriculture and food marketing has grown into an over \$50 billion industry, corporate agribusiness has influenced USDA to shift primary organic production from family-scale farms to large livestock factories, and allow massive hydro-

ponic/soilless greenhouses and fraudulent imports—all devastating to ethical farmers, businesses, and consumers. OrganicEye is being led by Mark Kastel, one of the founders of The Cornucopia Institute, a venerable organic farm policy research group. He brings over 30 years of diverse involvement in the organic industry. Mark has worked as a certified agricultural producer, business development consultant, and registered lobbyist, and is one of the most experienced independent fraud investigators in the organic industry.

With OrganicEye, we will amplify the voices of committed organic stakeholders who share our strong belief that continued growth of trusted organic practices is essential to solving escalating environmental and health problems, from the climate crisis to the insect apocalypse.



OrganicEye has established a toll-free hotline, 1-844-EYE-TIPS (844-393-8477), to gather confidential tips from the public on threats to organic integrity.