



October 3, 2019

National Organic Standards Board
USDA-AMS-NOP
1400 Independence Avenue, SW
Washington, D.C. 20250-0268

Re: Docket No. AMS-NOP-19-0038-NOP-18-06

PCC would like to thank the National Organic Program (NOP) and the National Organic Standards Board (NOSB) for the opportunity to provide comments on the NOSB's agenda and the NOP program. We especially appreciate the increased time provided to the public to review and respond to the important work of the NOSB and NOP.

I. Introduction

PCC Community Markets is a community-owned, co-operative food market that began as a food-buying club of 15 Seattle families in 1953. Today, we have nearly 70,000 active member-owners and 12 stores in seven cities, generating \$288 million in annual sales — making PCC the largest consumer-owned and operated grocer in the United States. We are a triple bottom line organization, advocating for consumers and the community in everything we do.

Organic is an integral part of our product offerings and operations, valued for its benefits to consumer and environmental health. Because of this, PCC has integrated organic into its identity and priorities in the following ways:

- **We place a priority on organic produce.** Ninety-five percent of the produce sold at PCC is certified organic.
- **We believe we are a part of the organic integrity chain.** PCC Community Markets is a certified organic retailer.
- **We want to grow organic with integrity in our stores and in the fields.** PCC committed to adding 1,000 organic grocery products to our shelves by 2022. Beyond our shelves, we have invested in advocacy efforts to bring greater awareness to the solutions that organic provides to many of the environmental and consumer issues through active engagement in Olympia, Washington and Washington, D.C.

As a part of our efforts to grow organic with integrity, PCC became a full member of the National Organic Coalition (NOC) in 2018 and will be a member signatory to its extensive and collaborative comments submitted to the NOSB. On the majority of the materials and detailed discussion issues outlined in the NOSB's agenda, we refer you to the NOC Comments and concur with the NOC position. There are, however, several issues PCC would like to address individually. These are discussed in the following comments.



II. Genetic Engineering (GE)/Excluded Methods, Organic, and the National Bioengineered Food Disclosure Standard (NBFDS)

Since the passage of the Organic Foods Production Act (OFPA) and the erred inclusion of the “big three” in the first round of implementing regulations, the organic community has made it exceedingly clear that genetically-engineered (GE) products and the methods they perpetuate are not welcome in organic.

Decades later this sentiment has not changed and until recently, NOP guidance, support of NOSB work agenda topics, and statements did not waiver on the strong exclusion of “excluded methods” that is required under the organic regulations. Yet during the “Assessing the Effectiveness of the National Organic Program” hearing before the House Subcommittee on Biotechnology, Horticulture, and Research statements from Under Secretary Ibach raised serious alarms that NOP was entertaining the notion that maybe “gene editing” could be helpful to organic producers and that the organic community and NOSB should be open to a conversation about these kinds of GE procedures. Since that time, additional reports of USDA support and emphasis on GE’s potential within organic seem to be growing, indicating that this was not an isolated error in judgment on the part of the Under Secretary, but a position being entertained, potentially even promoted with USDA. In the event that these reports are indeed true, we feel it is necessary to state the following:

Customers and retailers do not want GE in organic. Period. No exceptions. No gray areas. No “maybe some gene-editing.” It is this clear and it is an unwavering bright line that retailers and customers rely on.

Now more than ever, with the passage of the NBFDS, this bright line has become even more critical. While the intention of this national GE labeling standard was to bring GE transparency to the national marketplace, the structure of the NBFDS has introduced a labeling term of “bioengineered” (BE), unrecognized by consumers, and has put in place a labeling structure rife with exclusions, exemptions, and gray areas. These include exclusions of highly processed ingredients (deeming these undetectable), prohibiting the labeling of animal products based on them being fed GE, and excluding entire classes of GE techniques, such as gene-editing, from the definition of “BE.” Yet, there remains one important provision of the rule that provides food manufacturers and retailers a way to avoid the burdensome process of trying to figure out what can and cannot be labeled BE under the NBFDS—organic.

The organic label was the ONLY statutorily-granted exemption to the requirement of labeling—meaning that if a product is organic, you don’t have to go through the laborious process of figuring out what to label, how to label, or what you are prevented from labeling. Even more, as a consumer, if a product is labeled organic, you know that it does not contain GE in all its forms, not just because a regulation carved out an exception.

PCC, like many retailers and food manufacturers, has invested significant resources to evaluate our responsibilities under these new standards and while we will do everything in our power to comply



with these new regulations in the name of transparency, the answer to many of the gaps in this transparency is clear—emphasize organic both internally and externally to consumers.

Have confusion over GE/BE? Buy organic.

Beyond this bright line, we are also dependent on the work of the NOSB to review and identify excluded methods, support organic seed integrity, and evaluate the minutia of GE methods used in everything from vaccines to biodegradable mulch that fill an even larger gap in a regulatory regime intent on sweeping large portions of GE methods under the rug.

It is for these reasons that PCC continues to support and depend on the work of the NOSB on excluded methods as a critical work agenda item. While we refer you to NOC's comments for particulars on the individual methods under review, we would emphasize that it is this background of regulatory conflicts that supports a precautionary approach to excluding GE methods and maintaining a strong and transparent system of maintaining organic seed integrity.

GE of any kind does not belong in organic and we support the NOSB's effort to maintain that standard in the clearest manner possible.

III. Regenerative, Climate Conscious Farming, Hydroponics

Across the country at both the state and national level we are seeing an unprecedented effort to engage the agricultural industry in solutions to address climate change through the encouragement of regenerative and carbon-farming practices. In the state of Washington, we are working with a group of stakeholders to reintroduce the Sustainable Farm & Field bill—a grant program that would support farmers in implementing practices such as cover cropping, reduced tillage, enhanced soil fertility, and more. At the national level, Senator Booker has introduced a similar bill dubbed the Climate Stewardship Act. The list could go on.

While we support the expansion of these broader incentives towards all farmers, we are also mindful that many of the promoted practices within these efforts are already mandated or considered under organic production requirements, such as fostering soil fertility,¹ cover cropping, promoting ecological balance, conserving biodiversity,² severely restricting petroleum-based synthetic inputs and ingredients, and mandating that even natural substances prohibited from organic production “if harmful to human health or the environment”³ or “inconsistent with organic farming or handling, and the purposes of [OFPA].”⁴

¹ See 7 USC § 6513 (b)(1).

² 7 C.F.R. § 205.2.

³ 7 USC 6517 (i)

⁴ 7 USC 6517 (ii).



There is no question organic could and should do more to advance its own standards when considering climate impacts, but as compared to conventional practices that are only just now contemplating the principles that have formed the very basis of organic for decades, organic should be able to hold its head high.

Yet when PCC receives a question such as the following from a member/customer:

I've been reading lately about the significant role regenerative farming can play in lessening our climate crisis by helping sink carbon in the soil. I'm very excited to do what I can as an eater to help support regenerative agriculture . . . Are there any indicators I can look for as a consumer to help me choose producers who are farming in a carbon sequestering way?

we are placed in an awkward position. Our response included information on the work being done throughout the industry to address these issues by individual producers, but also included the following statement:

*[T]he easiest way for consumers to identify regenerative practices is to find the certified organic seal. Most certified organic producers already use many regenerative agricultural practices, because they actively manage their soil to keep it healthy. A byproduct of healthy soil is the sequestration of more carbon than soil on farms that use conventional, chemical-based practices. **(The exception to this rule is hydroponically grown organic, which does not require active soil management.)***

By allowing a soil-less and input intensive production system to be included in organic, we are weakening organic's position as a leader both on the shelves and on the legislative floor.

These kinds of exceptions also contribute to misinformation campaigns that continue to undervalue organic production's leadership and strength in agricultural climate mitigation practices when compared the vast majority of conventional practices. Clarity on what organic does right and where it needs to improve is imperative.

For these reasons we are in agreement with NOC that NOSB add an item to its work agenda which focuses on identifying and strengthening organic practices for climate mitigation, adaptation, and carbon sequestration. Included in this agenda item should be an evaluation of highly soluble nutrients and container productions practices through this lens. Such an effort would serve to bolster clarity and consistency of enforcement across certifiers, hold producers to foundational principles of organic production, and strengthen organic producers' position in the climate discussions and initiatives across the country.



IV. Container Production & Hydroponics

During the spring NOSB meeting, diverse members of the organic community raised alarms over concerning reports that certain container production facilities had been (1) provided organic certification without going through the three-year transition period and (2) had used prohibited materials on lands used for production. On June 3, 2019, Deputy Administrator Tucker released a memorandum making several important clarifications on these standards.

We are grateful for these clarifications, although there remain important gaps in both the statements of the NOP and the overall lack of standards concerning container and hydroponic production.

The confusion demonstrated by the events only amplifies the inconsistencies of hydroponic production within organic and clear meaningful standards concerning container production. When combined with the issues addressed in the above section concerning organic's need for leadership and clarity on climate mitigation and soil-based carbon farming, it becomes necessary to renew our request from the spring that NOP move forward with the adoption of the NOSB's 2010 recommendations on hydroponic and container systems.

In the interim, we would ask that guidance be issued putting in place a moratorium on any additional certifications of products grown with hydroponic systems and that all existing hydroponic products that have been certified organic be labeled as hydroponic.

V. Origin of Livestock

Washington State organic farmers (and many more across the United States) are continuing to suffer from the impacts of the inconsistently interpreted provisions of OFPA and OFPA's Rule concerning origin of livestock. We want to thank the NOP for acting on the concerns raised during the last meeting of the NOSB and reissuing the 2015 proposed rule on origin of livestock. We encourage the NOP to uphold the original rule and move forward without amendment and with expediency after the 60-day comment period.

VI. NOSB Recommendations & Program Transparency

PCC's commitment to the organic label and underlying framework relies on a strong, consistent, transparent, and adaptive organic program. It was a point of pride during the spring NOSB meeting in Seattle that PCC members and shoppers showed up to participate and share what matters to them in organic. They did this because we continually hold out the organic program as one of the unique frameworks in which consumers can influence meaningful change because of the NOSB and mandated advisory role within the NOP decision-making framework. It is a rare opportunity made possible by the NOSB, its balanced composition, transparent process, and ability to evaluate difficult questions and topics critical to organic. While we do not always agree with the recommendations of the NOSB, we do respect them and find that overall they provide important findings and corrections to gaps in the



organic regulatory framework. We also rely on the transparent Federal Advisory Committee Act (FACA) process to better inform our understanding of the positions of the NOSB and NOP.

We are concerned, however, that there is an increasing backlog of important NOSB recommendations not being given due respect or influence on the NOP regulatory agenda. We are also concerned that gaps in the transparency process concerning the NOSB and other FACA committees required under the organic law and regulations (i.e. peer review panel) are not providing organic stakeholders with the required access to information that they deserve. To address these gaps and concerns, we would like to reiterate NOC's requests that NOP provide more transparency on NOP determinations on NOSB recommendations and their rationale for those determination, full access to NOSB executive and subcommittee call notes and records, and full access to peer view panel findings.

VII. Sunset & Petitioned Materials

We would again refer to you NOC for detailed comments on individual National List items. Additionally, we would highlight the following:

A. Various Seaweeds (§205.606)

PCC believes that a comprehensive alignment of all products and inputs to the wild crop-harvest standard set forth in the organic regulations is the best path forward on all marine materials. We support and encourage the development of additional guidance and regulations further defining organic certification standards for the harvest and growth of marine materials for crop inputs and ingredients.

We do not support relisting of a material that can be found in numerous stores as a primary organically certified product and ingredient, especially when there are no underlying standards to differentiate these products.

The concerns surrounding the harvest of seaweed, impacts to the aquatic environment, and its potential contaminants apply equally whether the product is a certified organic seaweed snack, crop input, or National List ingredient. Guidance and regulations for organic production of all marine materials should be developed as soon as possible.

VIII. Research Priorities

We recognize that there are many important research priorities and are supportive of all that help to advance some of the issues we have raised within our comments and those of NOC. We would like to draw particular attention, however, to the need for a stronger commitment towards increasing access to organic foods and production for economically and racially disadvantaged populations. To that end, we support the addition of the following research priorities:



- **Increasing Access to Organic Foods** – Identify factors that influence access to organically produced foods. Individual-based studies are needed to assess the constraints to accessing organic food. Research should be funded that builds on an understanding of constraints by asking what community, market, and policy-based incentives would enhance access to organic foods.
- **Barriers to Transitioning to Organic Production** – Identify specific production barriers and/or yield barriers that farmers face during the three-year transition period to organic. Statistical analysis of what to expect economically during the transition is needed to help transitioning growers prepare and successfully complete the transition process.

IX. Conclusion

PCC reiterates that for positions on individual proposals, discussion documents, and material review, we refer to the NOC comments.

We also would like to reiterate our gratitude towards the NOSB and the NOP for many of its efforts to ensure that the organic label remains one of the strongest certifications that consumers and retailers can rely on for verified health and environmental protections.

Sincerely,

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