



April 5, 2021

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

Re: NOSB Spring 2021 Docket No. AMS-NOP-20-0089

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.

PCC Community Markets is the nation's largest community-owned food market, with over 90,000 active members, 15 stores across the Puget Sound region and over \$300 million in sales. PCC's vision is to inspire and advance the health and well-being of people, their communities, and our planet. It is our mission to ensure that good food nourishes the communities we serve while cultivating vibrant local, organic food systems.

Supporting the organic food supply system has always been a priority, because of its benefits to consumer health and environmental sustainability. This is why we not only prioritize organic products and advocate for organic food systems at local, state, and national levels, but also voluntarily participate in the organic supply chain as a **certified organic retailer**.

As a part of our commitment to organic, PCC is a full member of the National Organic Coalition (NOC) and encourage members of the NOSB to review the detailed and collaborative comments submitted on behalf of all NOC members. On most of the topics, agenda items, and recommendations we agree with NOC and support their thoughtful and carefully crafted positions and information provided. On certain topics, however, PCC would like to provide our individual perspective, unique experience, or additional information to assist in the NOSB deliberations:

I. Big Picture Topics

PCC recognizes that on many big picture topics, the NOSB does not have the ability to directly address the topic or add to its agenda as a discussion topic. Nevertheless, we do want to highlight some of the top-of-mind issues that continue to stand out for PCC and our communities to ensure NOP and NOSB awareness of these priorities.

A. Organic as a Climate Change Solution

Finding ways for the food system to mitigate its climate change impacts and offer solutions to the climate change challenges that our world is facing remain top priorities. We are encouraged by the number of climate-focused initiatives and policies introduced at both the national and state levels of government. We are also encouraged to see Secretary Vilsack's willingness to think creatively on how to implement many climate change initiatives within the U.S. Dept. of Agriculture without requiring congressional action. While we are hopeful that this creative thinking will include better support for the organic program overall, we continue to be disappointed in the lack of recognition for organic as a leading (and existing) climate change solution/improvement program for agriculture.

To achieve this recognition, we believe it is time for the NOP to focus on enforcement of soil fertility building, cover-cropping, crop rotation and biodiversity practices. We also would like to see the NOSB make recommendations to strengthen organic requirements for climate mitigation, adaptation, and carbon sequestration and identify existing requirements that are known climate change mitigation, regenerative, and carbon sequestration practices.

B. Organic Rulemaking and NOSB Recommendations

For retailers and consumers, the organic label and underlying certification program continues to lead the market in offering legally-backed, third-party certified sustainability, animal welfare, and human health standards for food and agricultural production. It is imperative, however, that the organic program continually strive for improvement and stay at the forefront of this category. The list is long on many areas we believe that organic could strengthen its regulations to better align with evolving consumer expectations for organic production and the needs of our communities and environment. We would, however, like to emphasize the importance of moving forward on three critical pieces of regulation that have languished for far too long: Strengthening Organic Enforcement, Organic Livestock and Poultry Practices, and Origin of Livestock. We encourage the NOSB to advocate for the expedient finalization of these rules.

Additionally, across the board, NOP must take steps to implement NOSB recommendations on areas of increasing uncertainty and division, including hydroponic, container, and greenhouse production methods, and promulgating the NOSB's work on evaluation and exclusion of genetically engineered methods. The Organic Foods Production Act (OFPA) provided an invaluable resource in the form of the NOSB and it is a resource that should be utilized to its full extent to guide and direct the organic program in its pursuit of continuous improvement. Moving forward on regulation development based on the consultation and recommendation of the NOSB should be a top priority for the NOP and NOSB.

C. Heavy Metals in Organic

As the NOSB and NOP are likely aware, the House Committee on Oversight and Reform released a report concerning heavy metal levels in top baby food brands.¹ A number of leading organic brands were included in the investigation and analysis and received troubling censures for both inadequate internal heavy metal monitoring protocol and excessive levels of heavy metals in baby food products. To say that PCC's members and shoppers were upset by the report and its findings would be an understatement. We have received numerous emails and calls from concerned parents expressing their shock and anger over the organic label not providing the protections they believed it to provide.

As a first step, PCC has discontinued the rice-based products of the organic brands identified in the report and is considering additional internal standards and protocols. However, this is a challenging task for an individual retailer to address and we would encourage the NOP and NOSB to utilize the power granted by OFPA under sections 6506 (a)(6) and 6510(a)(2) to initiative meaningful protections within the organic label against excessive heavy metal contamination in baby and children's products. Work to develop more protective regulations and testing protocols should move forward as soon as possible and in tandem with the Food & Drug Administration (FDA) and congressional actions that have recently been announced and introduced. Parents and children deserve better protections and the organic label should be the first place they can turn to ensure healthier foods.

D. Equity in Organic

Organic consumers depend on the organic label to be protective of not only our environment and health, but also the wellbeing of all who contribute to our food supply chain. We have reached a critical turning point in our culture and nation to take long overdue action in addressing the inequities that have been inflicted on our black, indigenous and people of color (BIPOC) communities. In the area of agriculture, this action is even more imperative given the legacy of discrimination that has been perpetrated by government and private institutions. Working with the leaders of our BIPOC communities, we strongly encourage the NOP and NOSB to begin the challenging and essential work of ensuring that the organic program and community is taking concrete steps to promote a more equitable organic program and community.

II. NOSB Support

PCC supports the proposal to provide NOSB with additional technical and research support. It is no secret that the time and skill level required to participate as a member of the volunteer

¹ *Baby Foods are Tainted with Dangerous Levels of Arsenic, Lead, Cadmium, and Mercury*, Subcommittee on Economic and Consumer Policy-Committee on Oversight and Reform, U.S. House of Representatives, Feb. 4, 2021, <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2021-02-04%20ECP%20Baby%20Food%20Staff%20Report.pdf>.

NOSB is both a gratitude-inspiring fact and intimidating hurdle. While PCC does recognize the concern of some in the organic community regarding potential conflict of interests and undue influence, PCC believes that these concerns could be allayed through clearly outlined policies and vetting of support individuals. We also believe that to provide this support would potentially allow a more equitable and diverse applicant pool to consider participating in the NOSB.

III. Kasugamycin

Because Washington state is the leading producer of organic apples in the country, the issue of fire blight impacts on our local, organic producers is one that we take seriously. Yet, because PCC is also acutely aware of the many issues of using antibiotics in crop production, ranging from negative impacts on soil health to potential threats to human health/treatments, we have maintained a position against the allowance of antibiotics in organic crop production. That said, we did reach out to a number of key stakeholders to assess if there were alternative avoidance/treatment options and whether there was an issue with fire blight warranting the reintroduction of antibiotic treatments in organic. Here is a summary of the responses received, which have been kept anonymous at the request of the providers:

- One organic producer noted that fire blight is always something that requires monitoring, but with correct orchard management, spread could be controlled without antibiotics. Better water management, sanitation, and late bloom removal can limit the spread to a manageable level. Notably, this producer was more concerned about the damage to the organic label in promoting antibiotics than the impacts of fire blight. “We believe this will have a negative result on sales and only create confusion within the organic market.” This producer also felt that since the removal of antibiotic treatments from organic production, the state continues to transition and plant more organics annually to meet the demands of the consumer and there has been no shortage of organic apples/pears.
- Another producer noted that they have never had a major problem with fire blight in the apples and only minor concerns with pears. They noted that as a smaller producer, they are able to keep a good eye on the crop. This producer uses Blossom Protect during blossom time and monitors continually. If fire blight does strike, they cut and burn immediately to keep it from spreading. They noted that this approach is probably more challenging for bigger operations. This producer did note that while they have not needed antibiotics to combat fire blight, they would support it being available ONLY for emergency situations, for example, if someone is about to lose their orchard, which is rare and typically only brought on by the perfect storm of factors during bloom time.
- A separate producer felt that the industry needed help with fire blight control, but only for pears. In this producer’s opinion, fire blight in apples did not seem to be a prevalent

issue. This producer noted that they no longer grow organic pears and pulled out of organic production due to the loss of antibiotics and a fire blight outbreak that forced the removal of too many acres.

- One producer pointed out that not all apples are equally susceptible to fire blight. Specifically, high density orchards with trellis systems are tougher to control fire blight because the roots are so close to each other. They suggested that preventative management in selecting certain varieties, rootstocks, and location would likely go a long way in preventing and avoiding outbreaks. Because of this, the producer was bothered by the idea that an exception would need to be made in organic to support what is clearly not an organic approach to pest control management. Generally, this producer felt that antibiotic use in the food system should be avoided to prevent potential resistance issues.
- As many of our produce is received through a distributor, we also asked a primary distributor if they had heard of any issues concerning fire blight impacts on supply. They noted that there had been some apple producers that had struggled with fire blight and would be supportive of an emergency use option. They did not, however, feel that there had been a shortage in supply of apples since the removal of other antibiotic treatments from the National List.

Given these responses and not facing any issues of supply, we remain skeptical of the essentiality of Kasugamycin's use in organic, still hold serious concerns about negative soil health and human health impacts, and thus would not support granting the petition to include on the National List.

IV. Sunset Reviews

A. Carrageenan 205.605(a)

PCC opposes relisting carrageenan on the National List and we strongly support the Fall 2016 NOSB recommendation to remove it from the NL.

PCC would, however, like some clarification concerning the subcommittee's review and comments that carrageenan is "also referred to as Irish moss" and "carrageenan has a long history of use as a food additive...." PCC recently researched Irish moss at the behest of customers requesting that we carry raw, dried forms of Irish moss to prepare traditional Jamaican fare. Our research found that while carrageenan is indeed an extract of Irish moss and still raises many health concerns and questions of essentiality, "Irish moss" is not one and the same when listed as a food ingredient. As the NOSB notes in its review, carrageenan is an extracted and highly processed food additive but is functionally and structurally different than its source material, Irish Moss. Our research also indicated that it is the raw, whole product

known as Irish moss or *carrageen*² --not carrageenan (the extract)—that is a culturally significant food used in Ireland, China, and also the Caribbean over the centuries.

We raise this point of clarification because while PCC does not allow carrageenan as an ingredient in most of our products and continues to support the removal of this extracted additive from the National List, we identified several products in the marketplace containing only whole, raw Irish moss or raw, dried and crushed Irish moss that were certified organic. Unlike carrageenan, which provides no nutritional value, is a heavily processed ingredient, and is used solely as an additive thickener, emulsifier, and stabilizer, it appears that raw Irish Moss can be added to smoothies, soups, stews, and other foods for both its naturally occurring thickening properties and nutritional value. For example, raw Irish Moss has been noted as a good source of magnesium, calcium, zinc, iron, iodine, vitamins B2 and B12, and omega-3 fatty acids.³ We also are concerned that conflating the two ingredients potentially denigrates the cultures and traditionally prepared foods, such as those from the Jamaica noted by our customer, that have relied on the raw, Irish moss ingredient since well before the development of carrageenan.

While we understand the NOSB's correlation between Irish moss and carrageenan, we would encourage the NOSB to verify that these two ingredients are in fact equivalent in product, history, and health concerns. If found to be different (as our initial research seems to indicate), we would also encourage the NOSB to offer clarification to the organic community on this issue as there are certified organic raw Irish moss products on the market (see below). We do not want to exclude traditional ingredients of a culturally significant foods should they not raise the same health and essentiality concerns as carrageenan.



Setting aside this point of clarification, PCC supports the NOSB's inquiry concerning best management practices for seaweed farming and harvesting and agree this is an important consideration for any product with potential aquatic ecosystem impacts. The concerns raised in the discussion document around environmental impacts and harvest are applicable for both carrageenan and Irish moss. As noted above, there are already Irish moss products on the market that bear the USDA organic symbol, as illustrated by the image to the side. Therefore, it is important that these products be supported by strong standards to ensure the sustainability of

marine materials and that producers are taking into account ecological impacts of harvesting or farming. As we expressed in our [Spring 2019](#) comments, PCC strongly supports the NOSB to develop guidance and regulations for organic production of all aquatic and marine materials as

² See <https://www.merriam-webster.com/dictionary/Irish%20moss>

³ Adele Jackson-Gibson, "Sea Moss May Actually Be Able to Help Boost Your Mood," Good Housekeeping, January 17, 2020, <https://www.goodhousekeeping.com/health/diet-nutrition/a30499092/sea-moss-health-benefits/>; see also <https://www.healthline.com/nutrition/seamoss#uses>.

soon as possible to ensure such products are meeting a clear set of standards for harvest or farming of materials like Irish moss.

B. Cellulose 205.605(b)

We appreciate the current restrictions on the use of cellulose in organic and the prohibition of microcrystalline cellulose, but would encourage additional evaluation and restriction of any cellulose which inflicts negative environmental impacts through its sourcing and production. Because most food-grade cellulose powder still comes from wood pulp, the production of this food additive can inflict serious ecological impacts, such as deforestation and pollution. The 2016 TR on cellulose notes that it can also be obtained from other fibers including sugar cane, oat hulls, rice hulls, bamboo, corn, jute, flax, and wheat straw. Ideally, if cellulose continues to be essential in the organic food production industry and included on the National List, sourcing should be limited to ensure minimal environmental impact.⁴

V. Fish Oil Annotation

PCC is grateful to the NOSB for investing the time and research into the important issue of developing a fish oil annotation. Because of PCC's close connection with its community in the Puget Sound, we are a co-op with a passionate commitment to aquatic and marine conservation issues. It is through some of our most recent work to develop a rigorous, place-based [sourcing standard for Chinook salmon](#) that we have gained a significant understanding of the complexities of fishery management and the many interests they must balance from ensuring the survival of threatened species to supporting the indigenous cultures, livelihoods and food systems that depend on the harvest of these valuable resources. It is with this background that we firmly support the initiative of the NOSB to limit unnecessary stressors and impacts on the increasingly strained aquatic ecosystem and attempt to ensure that fish oil sources used in organic do not increase this strain.

We agree that ensuring seafood sustainability requires constant reevaluation and the factoring of far more than just overfishing and thus do believe that the engagement of existing third-party seafood sustainability certifiers is a wise direction to consider. That said, we also agree whole-heartedly with the Marine Stewardship Council (MSC) and other scientists consulted by the NOSB that "certification schemes are complex and, within seafood, cover varying issues related to environmental sustainability and social responsibility" and have concerns that the three proposed annotations fall short in achieving the proposed goal for differing reasons:

- **Option 1** – As noted by the NOSB, there are issues with outsourcing seafood sustainability to third-party certifiers and evaluators. Not all evaluations are created equal and unlike organic certification there are no baseline legal standards backing any of the existing seafood certifications. For these reasons, we believe this first option and

⁴ Cellulose, Handling/Processing, https://www.ams.usda.gov/sites/default/files/media/Cellulose_TR%202_11_2016.pdf.

requirement that fish oil product be “certified as sustainable by a third-party certifier” is too vague and offers little assurance to consumers or guidance to certifiers.

- **Option 2** – One of the driving forces behind PCC’s development of its own PCC Chinook Sourcing Standard was that lack of an existing standard from third-party seafood certifiers that analyzed Chinook salmon stocks and impact on Southern Resident killer whales—a regional concern but one with significant broader impacts. Seafood Watch, MSC and other leading seafood eco-labels have done incredible work and continue to lead in this area, but they will be the first to tell you that as the issues facing our aquatic ecosystems become more complex, they are limited in their ability to conduct evaluations that cover all sourcing and impacts facing aquatic species. The International Social and Environmental Accreditation and Labeling (ISEAL) and Global Seafood Sustainability Initiative (GSSI) are conducting important work, but their accreditations appear to be focused on the larger certification schemes and exclude some of the important regional (and often more rigorous) sustainability standards. This is understandable, but we do not believe a good indicator of meaningful certifications on which to base a fish oil annotation.
- **Option 3** – As an official partner of Monterey Bay Aquarium Seafood Watch program, we are strong supporters of their work and evaluation metrics, however, we also recognize that compared to the organic certification system, their rating program does not offer the same supply chain verification and consistency as organic or even MSC. Also, as noted Option 2, Seafood Watch will be the first to tell you the limitations of their ratings scope.

We also have concerns over how one would apply their rating or approved certification (which is species specific) to only bycatch, if that is the intent of the NOSB as drafted. For example, Seafood Watch ratings are developed for each species with a complex analysis of stock health, fishing gear/catch-method impacts, potential bycatch impacts, etc. If the NOSB is meaning that this annotation would only allow fish oil to be made from bycatch caught during the harvest of a Seafood Watch green or yellow-rated target species, then Seafood Watch ratings would provide some assurance that bycatch levels and impacts are being monitored, but that would be the only protection. As written, the annotation seems to imply that one would need to apply the species rating to whatever species of bycatch is used and this likely would not provide the assurances sought. For this reason, while we believe Option 3 to be the better of the three, we still have concerns that it would not achieve the intended goal and would create some confusion for those applying the standard.

Because of these residual questions and concerns, we would recommend that additional work be conducted with Seafood Watch and MSC experts to identify an appropriate standard and annotation that would add better assurances and clarification.

VI. Conclusion

PCC would again like to thank the NOSB for its continued dedication to organic during these challenging times and for all the time and thought invested in maintaining the organic integrity on which we all rely.

Sincerely,

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