

NATIONAL CAMPAIGN FOR SUSTAINABLE AGRICULTURE

Organic Committee

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June 22, 2004

The Honorable Ann Veneman, Secretary
U.S. Department of Agriculture
14th Street and Independence Avenue, SW
Washington D.C. 20250

**VIA FACSIMILE
202-720-2166**

Dear Secretary Veneman:

The National Campaign for Sustainable Agriculture (NCSA) Organic Committee wishes to thank you for rescinding the recent documents issued on the NOP website (dated April 14 and April 23, 2004) by the USDA National Organic Program (NOP) that affect the rights and responsibilities of accredited certifying agents, producers, handlers and consumers. We encourage you to take the necessary steps to ensure that the NOP acts in a manner consistent with the Organic Foods Production Act (OFPA), public participation and organic principles and practices.

The unilateral issuance of the “Guidances”/”Directives” reflected ongoing structural problems with USDA’s administration of the Organic Foods Production Act (OFPA) and threatened to undermine the credibility and integrity of the entire organic program. The substantive content and the lack of public procedure in the issuance of the “Guidances”/”Directives” ignored the legislative and regulatory history of the National Organic Program. The Act was requested by a united community of consumers and producers who wanted to establish a meaningful and consistent labeling program.

Historically, the development of organic standards and organic certification programs was transparent, consultative, and responsive to both consumer desires and the realities of production. The very existence of the National Organic Standards Board (NOSB), with statutory representation across the spectrum of stakeholders, is testament to that fact. The issuance of the “Guidances”/”Directives” by the NOP highlighted a lack of any defined or discernible public process in the promulgation of substantive alterations to the existing regulations, and reflected an increasing reluctance of the National Organic Program to recognize the statutory authority of the NOSB (7 U.S.C. § 6517, §6518). We hope that the most recent discussions between the NOP and the NOSB reflect a reversal of this trend.

Had those Guidances/Directives” been permitted to stand, they would have undermined the integrity of the USDA organic label in the eyes of consumers, and posed significant economic hardship for the thousands of organic farmers, handlers and retailers who depend on that market. In addition, the failure of the program to have based such actions on sound research and science posed a direct threat to the agroecological integrity of organic systems.

When decisions at the National Organic Program are made in isolation from the organic community – consumers, farmers and industry -- and without regard to the impact of those decisions, the integrity of the program and consumer confidence in the USDA are both undermined. We believe that this disturbing pattern, culminating in the abrupt issuance of the four particularly ill-conceived administrative “Guidances”/”Directives” in mid-April, threatened the National Organic Program’s viability in very fundamental ways. If the Program loses the confidence of the consumers and producers it was created to serve, it will fail.

In light of your stated commitment to the success of a strong organic program, we would like to ask for some clarification on the NOP's recent actions. Despite the announcement of their withdrawal, we are confused about the current legal status of the “Guidances”/”Directives”. To our knowledge, USDA has not notified certifiers that they are not in effect. In addition, USDA has said that it stands behind its interpretation that such “Guidances”/”Directives” are allowed by current regulations. If this is true, we are concerned that the “Guidances”/”Directives” might in some way still be in effect. Your written answers to the following four questions would help clear up the confusion.

1. Are the "interpretations of the law" outlined in the rescinded “Guidances”/”Directives” still interpretations? If so, do you consider these “Guidances”/”Directives” to be in effect?
2. Will the Department use the NOSB “Proposed Framework for Cooperation with the NOP” as a process for public participation in reviewing any proposed “Guidances”/”Directives”?
3. How are the withdrawn “Guidances”/”Directives” to be interpreted by certifiers? Will Certifiers be sent notices, or be able to find interpretations on the website? In the meantime, what do you expect Certifiers should/will do to interpret these issues?
4. Finally, what is the timeframe for implementation of an NOP Program Manual, Compliance with international standards on accreditation (ISO 61, as specifically required under the regulations), or the seating of a permanent Peer Review Panel? These issues are vital to protecting organic agriculture against the ad hoc, and in some cases illegal, promulgation of weakened standards that threaten its integrity.

Because the entire organic community is affected by the outcome of these decisions, and because of the potential economic impact due to the continuing uncertainty of the status of these “Guidances”/”Directives”, we respectfully request a response by July 22, 2004.

Thank you for your timely action in rescinding the “Guidances”/”Directives”. We look forward to working with you on the further steps necessary to maintain the vitality of this very important sector of American agriculture.

Sincerely,
Steering Committee of the Organic Committee:

Michael Sligh, Co-Chair, Rural Advancement Foundation, International, USA
Elizabeth Henderson, Co-Chair, Peacework Organic Farm, and Northeast Organic Farming Assoc., NY
Roger Blobaum, Organic Watch
Robert Hadad, Humane Society of the United States
Margaret Mellon, Union of Concerned Scientists
Joseph Mendelson, Center for Food Safety
Marty Mesh, Florida Organic Growers
Karen Anderson, Northeast Organic Farming Association of New Jersey
National Organic Coalition: Steve Etka
NCSA Organic Policy Coordinator: Liana Hoodes

cc: Organic Caucus of the U.S. House of Representatives, Co-chairs:

Representative Sam Farr
Representative Peter DeFazio
Representative Ron Kind
Representative Wayne Gilchrest
Representative James Walsh
Representative Amory Houghton

Senator Patrick Leahy
Senator Tom Harkin
Senator Herbert Kohl
Senator Olympia Snowe
Senator Robert Bennett
Senator Thad Cochran

A.J. Yates, USDA
Barbara Robinson, USDA
Rick Matthews, USDA