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Comments on the NOSB, Livestock Committee, Recommendation on Animal Cloning

Pursuant to the notice posted on the National Organic Standards Board (NOSB) web page, the Center for Food Safety (CFS) submits the following comments on the "Cloning Recommendation" of the Livestock Committee.[1] CFS is a non-profit, membership organization that works to protect human health and the environment by curbing the proliferation of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. See generally http://www.centerforfoodsafety.org.

CFS appreciates the NOSB's timely attention to issue of somatic cell nuclear transfer (ie. cloning) and the rapid move by the Board to prohibits this techniques use in organic livestock production. However, CFS is concerned that the Livestock Committee's recommendation does not explicitly prohibit the use of the progeny of clones from organic production. Scientific studies have shown that the progeny of clones may still inherit genetic alterations from their cloned parent that occur

[1] See NOSB, Livestock Committee, Cloning Recommendation *available at* http://www.ams.usda.gov/nosb/CommitteeRecommendations/March_07_Meeting/Livestock/CloningRec.pdf (last visited March 16, 2007).

during when cloned parent is created.[2] Given this potential, there does not appear to a sound scientific basis for the NOSB to make a distinction between cloned animals and their progeny. Indeed, it is the presence of these subtle genetic aberrations that, among other things, gives rise to a number of the animal welfare, human health and ethical concerns that have been voiced about cloning.

Moreover, the organic regulations certify to a production process. As such, any livestock that traces it creation back to an animal in which the use an excluded method occurred should be prohibited. For example, this is true of how the existing regulation address genetically engineered plants. Any seed or plant that is the result of breeding using a genetically engineered parent plant is prohibited. The resulting plant will have inherited some of the genetically engineered material and it will also be viewed as the result of a process that used an excluded method. Similar logic and law applies to cloning.

Finally, consumers throughout the U.S. and E.U. have overwhelmingly voiced concern over the use of cloned animals and their progeny for all types food - conventional and organic. For example, the Trans Atlantic Consumer Dialogue, a joint U.S. and E.U. consumer coalition, recently passed a resolution stating that clones and their progeny should not be use as any food source. The resolution specifically states that organic regulations should prohibit the use of clones and their progeny.[3] A loophole left by the NOSB that could allow milk and meat from progeny of clones will erode consumer confidence in the organic label.

As a result, CFS believes that the NOSB should amend its recommendation to ensure that all progeny of clones are prohibited for use in organic production. Specifically, CFS recommends:

(1) Amend 7 C.F.R. §205.2 as contained in the Livestock Committee's recommendation; and

(2) Amend 7 C.F.R. § 205.236 Origin of Livestock by adding the following:

(b) The following are prohibited:

(3) Livestock, progeny of livestock, or reproductive materials derived from animals produced using excluded methods, including but not limited to, animal cloning techniques such as somatic cell nuclear transfer or other asexual reproductive methods.

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[2] See e.g. Betts, et al., Telomere Length Analysis in Goat Clones and Their Offspring, Mol Reprod Dev 72:4 461-70 (Dec 2005); Smith, et al, Review: Genetic and Epigenetic Aspects of Cloning and Potential Effects on Offspring of Cloned Mammals, Cloning Stem Cell 6:2 126-132 (June 2004).

[3] See Trans Atlantic Consumer Dialogue, Resolution on Food Products from Cloned Animals *available at* http://www.tacd.org/cgi-bin/db.cgi?page=view&config=admin/docs.cfg&id=308 (last visited March 16, 2007)(stating that "[c]onsistent with existing principles, regulations and practices, the governments of the EU and U.S. should maintain prohibitions on the use of cloned animals and their progeny in organic production.")

CFS thanks the Board for its careful consideration of these recommendations.

Respectfully submitted,

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