



Accredited Certifiers Association, Inc.

*Accredited certifying agents working together to ensure
the integrity of organic certification in the United States*

October 8, 2015

Ms. Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA-AMS-NOP
1400 Independence Ave. SW.,
Room 2648-So., Mail Stop 0268
Washington, DC 20250-0268

Re: Docket AMS-NOP-15-0037; NOP-15-11
NOSB Materials Subcommittee
Prevention Strategy Guidance for Excluded Methods

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the Materials Subcommittee Proposal for Prevention Strategy Guidance for Excluded Methods.

The Accredited Certifiers Association (ACA) represents 50 foreign and domestic accredited certifying agents.

The ACA supports the NOSB Materials Subcommittee efforts to address the very complex topic of Prevention Strategy Guidance for Excluded Methods.

Currently certifiers require an Organic System Plan that describes how production and handling operations identify and address their GMO prevention strategies and organic control points. These prevention strategies are verified at the on-site inspection and are further evaluated through risk-based random sampling and testing for the presence of GMOs.

Certifiers support the use of enforcement actions when an operation is found to be using GMOs in their production practices. However, due to the ubiquitous nature of GMO contamination in some areas of the United States, preventive practices may not be a failsafe measure against contact with GMOs in all instances. Preventive measures guard against contamination. ACAs verify that such measures are in place, but expecting complete prevention may simply not be achievable and should not be implied.

ACAs support the Materials/GMO Subcommittee drafting an additional recommendation to NOP to create guidance and provide training to ACAs on conducting GMO sampling and testing under the residue testing rule.

In 2014, ACAs had an intensive discussion on our List Serve regarding the lack of information on sampling and testing of GMOs. At that time the ACA Board sent a letter to the NOP requesting additional resource information and guidance (included here as Appendix A). A verbal response from NOP indicated that training on GMO residue testing would be offered at their 2015 Certifier Training. This training was not offered. NOP suggested if ACAs find GMO residues they should utilize NOP 2613 Instruction Responding to Results from Pesticide Residue Testing.

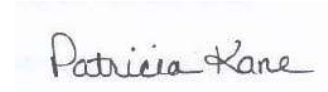
Summary

The Accredited Certifiers Association supports the work of the Materials Committee and believes the information presented in the Proposal will be helpful to all sectors of the organic community to assist in the prevention of GMO contamination.

We urge the Subcommittee to draft an additional recommendation to the NOP for the creation of additional guidance and training of ACAs on conducting GMO sampling and testing.

Thank you for the opportunity to provide feedback on this important topic.

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia Kane". The signature is written in black ink on a light-colored background.

Patricia Kane
ACA Coordinator

Attached: Appendix A



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Appendix A

April 28, 2014

Miles McEvoy, Deputy Administrator
National Organic Program
U.S. Department of Agriculture
Room 2646-So. (Stop 0268)
1400 Independence Avenue SW
Washington, DC 20250

Dear Mr. McEvoy:

The Accredited Certifiers Association is deeply committed to protecting the integrity of the organic label and the message it sends to consumers that a product has been produced in an environmentally sustainable manner. We are equally committed to maintaining it as the mark of a product produced without the use of genetically modified organisms (GMOs). Our membership has become increasingly concerned that consumers are losing confidence or do not understand that the organic label equates to a product produced without GMOs.

As non-GMO claims and labeling crowd the marketplace we see consumer confusion, with some consumers expressing preference for and greater confidence in claims specific to non-GMO production. Education is clearly one approach to clarify this confusion. But we also believe that to maintain consumer confidence that an organic product is produced without GMOs, we must also be able to show them this in quantifiable ways.

NOP Policy Memo 11-13 sought to respond to some concerns regarding the potential for GMO presence in organic food. The memo reiterated that the organic standards are process based and that the inadvertent presence of genetically modified material does not affect the status of the certified operation and does not result in loss of organic status for the organic product. While we agree with this premise, we also see that there are analytical tools available that can measure how effectively the process is working. A process based standard must demonstrate that it works.

7 CFR Part 205.670(c) requires that "a certifying agent must conduct periodic residue testing of agricultural products to be sold, labeled, or represented as '100 percent organic,' 'organic,' or 'made with organic (specified ingredients or food group(s)).'" *NOP Instruction 2610 Sampling Procedures for Residue Testing* outlines the sampling procedures recommended by the NOP for parties conducting residue testing of organically produced agricultural products under the

above requirements. However, the *Instruction* falls short of outlining any guidelines for GMO sampling and testing.

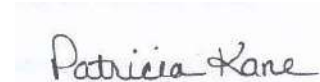
In order to maintain consumer confidence that the organic label means non-GMO and so much more, we feel that the industry must have data to show this. To do so consistently and to build a meaningful data set, GMO sampling guidance is necessary. With GMO sampling and testing guidance, we can begin to build meaningful data and evaluate whether the process based standard is working. Further, with guidance that offers greater direction in responding to evidence of GMO contamination, we can work to ensure that an operation's preventive practices are adequate.

In a February 2013 report to the Office of Inspector General (OIG), the National Organic Program (NOP) responded to the OIG's recommendation that the NOP conduct a study of testing methods that may be used to detect the presence of genetically modified (GM) materials in organic livestock feed. In its response, the NOP stated that "there are procedures for certifiers and official guidance already provided by AMS and other USDA agencies regarding the testing of organic agricultural products for the presence of GM material." While ACA appreciates that there are resources for organic feed testing, we feel that further guidance on the testing of other crops for human consumption (soy, corn, etc.) would be helpful.

Toward this end, we ask that NOP offer certifiers and the trade guidance and best practices for GMO sampling and testing. Experience to date has shown that testing that includes a percentage presence is more accurate and useful than simply a binary positive/negative test. We recognize the inherent challenges in establishing compliance action tied to percentage presence. To be clear, we are not requesting this at this time. However, we feel it is extremely important that guidance offer clear and consistent sampling and testing protocols so that we may begin to assess how effectively the process based standard is working.

We look forward to engaging with you in this important step and appreciate your continued partnership in ensuring the integrity of the organic label.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Kane". The signature is written in dark ink on a light-colored background.

Patricia Kane, Coordinator
for the ACA Board of Directors

Scott Rice, Washington State Department of Agriculture, Chair
Dave DeCou, ECOCERT ICO
Connie Karr, Oregon Tilth Certified Organic
Kyla Smith, Pennsylvania Certified Organic
Jackie Townsend, Midwest Organic Services Association
Sarah Townsend, International Certification Services