



July 17, 2011

The Honorable Tom Vilsack  
Secretary of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250-0020

Re: OTA Support letter for NOSB Nominees

Dear Secretary Vilsack:

The Organic Trade Association (OTA) is the membership-based business association for organic agriculture and products in North America. OTA is the leading voice for the organic trade in the United States, representing more than 6,500 organic businesses across 49 states. Its members include growers, shippers, processors, certifiers, farmers' associations, distributors, importers, exporters, consultants, retailers and others. OTA's mission is to promote and protect the growth of organic trade in order to benefit the environment, farmers, the public and the economy.

OTA is pleased to support several highly qualified candidates seeking appointment to the National Organic Standards Board (NOSB). We are extremely encouraged by the number of high-caliber individuals interested in serving. Therefore, in the best interest of a robust selection process, we are supporting candidates who meet the qualifications we feel are critical in creating a balanced, committed and technically competent Board.

Each candidate supported by OTA exemplifies several criteria essential for service on NOSB. These criteria are:

- The ability to balance the need for strict standards demanded by consumers and the practical requirements attainable by certified operations and verifiable by certifiers.
- The ability to evaluate technical information and to fully participate in Board deliberation and recommendations.
- A commitment to the integrity and growth of the organic food and fiber industry.
- Thorough and practical knowledge of the organic standards.
- The willingness to commit the time and energy necessary to assume Board duties.
- Critical thinking and evidence-based decision making skills.
- Excellent communication skills.

Each candidate supported by OTA also meets the specific technical criteria necessary for service in one or more of the open Board seats:

- **Producer:** Extensive knowledge and practical hands-on experience with organic production system as well as a strong background and/or experience with input/material review.

- **Handler:** Extensive knowledge and practical experience with all aspects of organic handling operations in addition to a strong food science background and/or experience with ingredient/material review.
- **Scientist:** Extensive scientific material review experience and intimate knowledge of the organic principles set forth by OFPA.
- **Environmentalism:** Extensive knowledge and practical experience with environmental management specifically related to organic systems. Strong environmental science education.
- **Consumer/Public Interest:** Direct knowledge, understanding and working relationship with the organic consumer. Ability to represent, reach out directly to public interests and solicit constructive consumer feedback.

This is a dynamic time for the organic sector. Each and every appointment will significantly impact the composition of the Board and, inevitably, its policy recommendations. While each member brings a unique perspective to the board, it is critical to appoint individuals who will carefully weigh the impact their decisions will have on organic production for generations to come. Therefore, OTA is supporting candidates whom we believe will respectfully engage in informed dialogue with fellow Board members (as well as constituents) and apply their experience, expertise and technical knowledge for the well-being of all stakeholders.

We are confident that the following candidates will serve you, the National Organic Standards Board, and the U.S. organic sector with integrity and distinction.

**Producer**

Carmela Beck  
Perry Clutts  
Harriet Behar  
Michelle Sandy

**Handler**

Carmela Beck  
Tim Callahan  
Zareb Herman  
Tom Chapman

**Scientist**

Zea Sonnabend  
Tim Callahan  
Jennifer Ryder Fox  
Zareb Herman

**Consumer Public Interest**

Carolyn Dimitri  
Jennifer Ryder Fox

**Environmentalism**

Tracy Favre

Respectfully submitted,



Laura Batcha  
Executive Vice President  
Organic Trade Association

Cc: Mark Lipson, Organic & Sustainable Agriculture Policy Advisor of the Secretary, USDA  
Miles McEvoy, Deputy Administrator, National Organic Program, USDA  
Kathleen Merrigan, Deputy Secretary of Agriculture, USDA



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WHITE HOUSE LIAISON OFFICE  
WASHINGTON, D.C. 20250

July 28, 2011

Ms. Laura Batcha  
Executive Vice President  
Organic Trade Association  
The Hall of the States,  
444 N. Capitol St. NW,  
Suite 445A, Washington D.C. 20001

Dear Ms. Batcha:

Thank you for your letter on July 17, 2011 recommending Ms. Carmela Beck, Ms. Perry Clutts, Ms. Harriet Behar, Ms. Michelle Sandy, Ms. Zea Sonnabend, Mr. Tim Callahan, Ms. Jennifer Fox, Ms. Zareb Herman, Mr. Tom Chapman and Ms. Carolyn Dimitri for appointment on the National Organic Standards Board.

Boards serve an important role in public policy. As we identify qualified candidates to serve on the National Organic Standards Board, please be assured that Ms. Beck, Ms. Clutts, Ms. Behar, Ms. Sandy, Ms. Sonnabend, Mr. Callahan, Ms. Fox, Ms. Herman, Mr. Chapman, and Ms. Dimitri will be given full consideration in the selection process.

Your endorsement is noted and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonta Williams".

Jonta Williams  
White House Liaison

SAM FARR  
17TH DISTRICT, CALIFORNIA

1126 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-0517  
(202) 225-2861

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[www.farr.house.gov](http://www.farr.house.gov)

July 18, 2011

The Honorable Thomas J. Vilsack  
Secretary of Agriculture  
1400 Independence Avenue, SW  
Washington DC, 20250

Re: Carmela Beck for the National Organic Standards Board

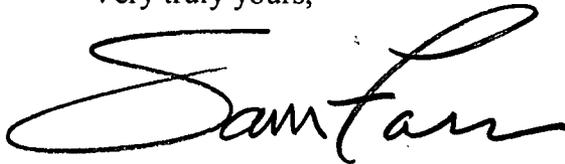
Dear Secretary Vilsack:

I write in support of Carmela Beck of Driscoll's for an appointment to the National Organic Standards Board. Both Carmela and Driscoll's are constituents who have demonstrated the highest commitment to organic standards and principles. I urge you to consider Ms. Beck for appointment to the NOSB.

Carmela has for the past four years managed the complex organic compliance program for the family-owned berry company headquartered in Watsonville, California. She works with an estimated 80 certified organic growers, over 15 certified organic coolers, two certified organic nurseries, as well as five certification agencies in the U.S., Mexico, and Chile. Before this, Carmela worked for an organic certifier, Quality Assurance International, where she reviewed new and renewal applications and inspection reports. She also was as an apprentice at the University of California at Santa Cruz's Center for Agroecology & Sustainable Food Systems. Carmela's fluency in Spanish and English along with her work experience would make her a valuable member of the NOSB.

The NOSB needs nominees who value rigorous organic standards, listen to diverse viewpoints, and work collaboratively for the betterment of the organic growers and consumers. Ms. Beck meets these key criteria and for that reason I recommend her for service on the board. Thank you for your consideration of this nominee.

Very truly yours,



Sam Farr  
Member of Congress

cc: Deputy Secretary Merrigan



DEPARTMENT OF AGRICULTURE  
OFFICE OF THE SECRETARY  
WHITE HOUSE LIAISON OFFICE  
WASHINGTON, D.C. 20250

July 26, 2011

The Honorable Sam Farr  
U.S. House of Representatives  
1126 Longworth House Office Building  
Washington, DC 20515

Dear Congressman Farr:

Thank you for your letter on July 18, 2011 recommending Ms. Carmela Beck for appointment on the National Organic Standards Board.

Boards serve an important role in public policy. As we identify qualified candidates to serve on the National Organic Standards Board, please be assured that Ms. Beck will be given full consideration in the selection process.

Your endorsement is noted and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonta Williams", with a long horizontal flourish extending to the right.

Jonta Williams  
White House Liaison



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Farm and Ranch Freedom Alliance  
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Celeste Gibson  
Accountant

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**Secretary Tom Vilsack**  
US Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

April 5, 2012

Dear Secretary Vilsack,

When Congress passed the Organic Foods Production Act of 1990 (OFPA), they created a structure for reviewing non-organic ingredients that could be included in organic foods, to assure the ongoing integrity of the organic label.

While Congress set up a solid process for reviewing non-organic materials, the integrity of the process has often been compromised throughout its history. Unfortunately, unwarranted corporate influence during the review process continues under your administration. Americans should be able to trust that all ingredients in organic foods have been adequately reviewed for safety and appropriateness in organic foods, as the law requires, and we urge you to take action as outlined in this letter.

### **NOSB Appointments**

Congress established the National Organic Standards Board (NOSB) with the clear intention of creating a balanced array of citizens with diverse representations. The Board, according to OFPA, should consist of four farmers, two handlers, three environmentalists, three representatives of the public, a certifier, a retailer representative, and a scientist.

Such diverse representation of the organic community would work well to balance competing interests and corporate power, if the intent of Congress was respected. But since the NOSB's inception, both Republican and Democratic administrations have consistently abused the law and appointed corporate representatives to seats that were clearly intended for independent voices.

As of the last NOSB meeting, an employee of a \$15 billion agribusiness, General Mills, held the scientist's slot. An employee of a \$700+ million corporate agribusiness, Organic Valley, held one of the four farmer slots. And recently, you appointed another corporate representative to a farmer slot. These appointments, filling slots reserved for scientists and organic farmers with corporate representatives, lead to undue levels of corporate influence on the Board (already holding numerous other NOSB seats), which Congress clearly did not intend.

We call on you to immediately remove Ms. Carmela Beck from the farmer position. Ms. Beck is an executive at Driscoll's, a conventional and organic berry producer and distributor. The law states that the farmer position is reserved for individuals that "own or operate an organic farm." Ms. Beck does not appear to meet this legal criterion as specified under OFPA.

### **Independent Technical Reviews**

The other safeguard in place to ensure the continued integrity of the organic label is the requirement for Technical Advisory Panel reviews of any non-organic material that is petitioned for use in organics. The NOSB was intentionally not created by Congress as a scientific panel. It is vitally important that Board members can depend on the quality and independence of technical analysis presented to them to guide their decision-making.

At the last NOSB meeting, the technical review performed for petitions by DSM/Martek Biosciences were grossly inadequate and biased (please see enclosed outline of deficiencies). The technical review contained (biased) opinions about the materials, favoring Martek's petitions, without supplying the required scientific citations that pertain to information provided in the review. The problems outlined are also in conflict with the NOSB procedure manual's requirements for technical review production.

It is nearly impossible for the members of the NOSB, the vast majority of whom are not scientists, to adequately evaluate a materials petition if the technical review fails to provide them with a sound, thorough and documented scientific analysis of the petition.

The NOSB certainly needs high-quality technical reviews that use sound science. The technical reviews must be performed by independent, unbiased agencies or organizations. We are therefore opposed to the USDA's contracting with the Organic Center for the production of technical reviews.

The Organic Center began as the nonprofit arm of the Organic Trade Association (OTA), an industry lobby group, and is generally controlled and funded by the same giant corporations that run the OTA.

The Organic Center's board chairman is Mark Retzloff, President of Aurora Dairy, a corporation that operates five dairies that the USDA found "willfully" violating 14 tenets of the organic standards in 2008—arguably the largest-scale scandal in the history of organics.

The rest of The Organic Center's leadership represents many corporations involved in organics: UNFI, Dean Foods, Earthbound Farms, Safeway, Organic Valley, and Whole Foods. Four individuals have a financial relationship to Dean Foods alone (WhiteWave Division/Horizon and Silk brands).

Non-organic and synthetic materials for use in organics are nearly universally petitioned by corporations involved in organics, or strongly supported by these corporations. Many of these corporations have executives sitting on the Board of the Organic Center (some of

these same firms also have employees serving on the NOSB). We do not believe that the employees of the Organic Center are therefore in a position to provide truly independent and credible technical reviews.

## **Conclusion**

Consumers should be able to trust that organic foods contain only ingredients that have been thoroughly vetted by independent scientists, through the technical review process, and by a Board of diverse organic stakeholders.

We urge you to immediately replace the representative from Driscoll's on the NOSB with a legitimate owner or operator of a certified organic farm. We have no objection to a Driscoll's staff member, including Ms. Beck, being named, at a later date, to fill one of the two available slots Congress earmarked for handlers, but the farmer position should not be held by a corporate executive.

We also urge you to discontinue your contracts with The Organic Center for technical reviews, and rely instead on qualified, independent civil servants within the USDA or contract with an academic institution without close ties to agribusiness.

We thank you, on behalf of our 7,000 members (the majority of whom are certified organic farmers), for your consideration of our concerns. Please feel free to contact us if you or your staff have any questions.

Sincerely,



Will Fantle

Codirector

The Cornucopia Institute

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Restaurateur  
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Wildlife Conservationist  
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Dave Minar  
Organic Dairy Producer  
Cedar Summit Farm  
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Amanda Love  
Natural Foods Chef/Educator  
The Barefoot Cook  
Austin, Texas

Goldie Caughlan  
Organic Food Retailer  
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## Problems with the Technical Review for Martek's DHA Algal Oil

On page 34 of the **NOSB Policy Manual**, criteria are listed for a Technical Review to be considered acceptable. The **TR for DHA Algal Oil fails the majority of these criteria**, including the requirement to be consistent, to be free from opinion and conjecture, to be based on the best available information, and to be thoroughly supported using literature citations.

### 1. Failure to Verify Martek's Claims – Hexane

The Policy Manual states that the Technical Review should be based on the best available information. The TR fails this criterion, as it relies solely on the Martek petition for information regarding the environmental effects of the use of n-hexane in manufacturing. Since n-hexane is classified as a hazardous air pollutant by the Environmental Protection Agency, factories using this petrochemical solvent are required to report emission data to the EPA. The EPA, in turn, makes this information publicly available. Rather than rely on the EPA's data to determine whether Martek releases the pollutant n-hexane into the environment, the TR simply repeated Martek's claim that all n-hexane is recycled and reused (TR 418-419, TR 448-449). As a result, HC members were led to believe that no environmental adverse effects exist from the manufacture of Martek's DHA and ARA oils.

EPA data reveals that Martek Biosciences Corporation's factory in South Carolina is among the top 100 emitters of the hazardous air pollutant n-hexane. According to EPA data, 8,500 pounds of n-hexane were released into the environment by Martek Biosciences' factory in 2010.

The answer to Category 1, Question 1, "Are there adverse effects on environment from manufacture, use, or disposal?" should take into account n-hexane emission data from the EPA, from the manufacture of Martek's DHA and ARA oil.

It is unclear why such important data was omitted from the Technical Review, especially since this information is so readily available and easily accessible.

### 2. Failure to Identify and Analyze Synthetic Ingredients

In its petition, Martek lists several unapproved synthetic ingredients that are part of its DHA Algal Oil. However, numerous other unapproved synthetic ingredients that are currently added to organic foods as part of Martek's DHA Algal Oil, were not disclosed by Martek in its petition and are not mentioned in the Technical Review.

For example, Happy Bellies organic baby cereal by Nurture, Inc. contains non-organic modified starch, glucose syrup solids, sodium polyphosphate, mannitol,

and other synthetic and/or non-organic ingredients as part of Martek's added "algal oil powder."

Since these ingredients were not mentioned in the Martek petition, and are not mentioned in the Technical Review, it is unclear whether the modified starch is derived from GMO corn, whether the mannitol is natural or synthetic, etc.

The TR also did not analyze the appropriateness of the synthetic ingredients that Martek did disclose in its petition, like ascorbyl palmitate.

### **3. Failure to Review Excluded Methods in Organics – Genetic Modification**

For reasons that are unclear, the TR failed to fact-check Martek's claim that the algae strains are "non-genetically modified." Given that Martek Biosciences Corporation is a biotechnology company engaged in recombinant DNA technology and other genetic modification methods, the TR reviewers should have verified these claims. Interestingly, the TR is completely silent on this topic, failing even to repeat the Martek claim that the algae is "non-GMO."

NOSB members should know the techniques used to obtain the strain(s) of algae, which is important information that should have been included in the TR.

The strain of algae that Martek currently uses to produce one type of its DHA Algal Oils was developed in Monsanto's laboratories through "classical mutagenesis," which entails blasting algal microorganisms with chemicals or radiation to artificially induce genetic mutations, and screening the organisms until one with a favorable genetic mutation – in this case, high DHA production – was identified.

### **4. Failure to question why non-organic sunflower oil is used in Martek's oils**

The TR notes, in two places (TR 141 and 263), that Martek adds "high-oleic sunflower oil" to its DHA Algal oil. Neither Martek nor the TR identifies this sunflower oil as being organic.

If it is destined for an organic product, any agricultural product must be organic unless it appears on the National List (sunflower oil does not appear on 205.606).

The TR did not, for example, question whether the sunflower oil used by Martek is hexane-extracted. Information regarding the percentage of non-organic sunflower oil in Martek's "DHA Algal Oil" was also omitted.

The annotation for fish oil on the National List states that it must be "stabilized with organic ingredients or only ingredients on the National List." It would be unfair and illegal to appropriately require DHA supplements, derived from fish oil, to comply with the federal regulations, while allowing a corporation with a patented, presumably profitable alternative, to skirt this requirement.

The TR's failure to raise the issue that the sunflower oil is not organic, and suggest that it should be organic, reveals either the TR reviewers extreme bias in favor of the Martek petition, or a fundamental lack of understanding of the federal organic standards.

## **5. Missing information regarding lack of benefits**

The Handling Committee members were led to believe that “the substance is widely added to food products, including infant formulas, for its healthful benefits. See TR at lines 496-524.” With regard to infant formula, the TR fails to mention that the vast majority of clinical trials have found no benefits to infant development. Important meta-analysis studies such as Simmer et al., 2008 and Beyerlein et al., 2010 were omitted. These studies combined data from numerous clinical trials and concluded that no benefits to infant development exist from DHA supplementation.

The Policy Manual states that the TR should be based on the “best available information.” In terms of scientific research, meta-analysis studies like Simmer et al. 2008 and Beyerlein et al. 2010 are arguable the most comprehensive and best sources of information a researcher should consult. Meta-analysis studies analyze data from numerous clinical trials, to reach a conclusion regarding the benefits, or lack thereof, of a certain substance.

Neither of these important studies, which represent the most comprehensive analysis on this issue, were referenced in the TR.

Other sources of information that should have been consulted by the TR reviewers include guidelines of professional organizations (the American Academy of Pediatrics does not have a recommendation for DHA/ARA in formula), the World Health Organization (which does not have a recommendation for DHA/ARA in formula) and the European Union, whose EFSA (European Food Safety Authority) rejected numerous petitioned health claims on infant formula, relating to Martek products, on the basis of insufficient evidence. Rejected marketing labels and health claims in the EU include:

“DHA and ARA contribute to the optimal brain development of infants and young children” – REJECTED

“DHA is important for early development of the eyes in the foetus (unborn child) and infant. Maternal DHA supply contributes to the child’s visual development” - REJECTED

“DHA is important for early development of the brain in the foetus (unborn child) and infant. Maternal DHA supply contributes to the child’s cognitive development.” – REJECTED

‘Lipil® contributes to optimal brain development of infants and young children’ (Lipil® and Enfamil® Premium as stated by the applicant contain DHA and ARA at specific levels and ratio.) – REJECTED

The TR therefore also fails the Policy Manual’s criterion of being free of opinion and conjecture, since the claim that Martek’s algal DHA oil is beneficial for infant development is merely conjecture, contradicted by the preponderance of sound science.

## **6. Conflicting data within the Technical Review regarding benefits**

The Policy Manual states that the TR should be free from conjecture, and information should be based on literature citations. Note this paragraph in the TR, which contains

misleading and unreferenced statements by the reviewers that directly contradict the studies they cite. Note that the two first sentences are unreferenced, and contradict the results from the study mentioned in the last sentence, which found no benefits from DHA supplementation.

“Supplementation with omega-3 fatty acids such as DHA could potentially help prevent or treat neurological disorders associated with memory loss, like Alzheimer’s disease. **UNREFERENCED** DHA appears to be protective against the development of Alzheimer’s disease and other types of dementia. **UNREFERENCED** Conversely, cognitive decline has been linked to decreased levels of DHA in the brain (Jump, 2009). It is not currently known whether DHA supplementation could be used to treat Alzheimer’s disease, but some laboratory studies in animals have shown evidence to that effect (Jump, 2009). A placebo-controlled trial with 295 patients with Alzheimer’s disease found that DHA supplementation (2 grams/day) for 18 months was **not** effective in slowing cognitive decline (Jump, 2009). (TR 508-515).” (Emphasis added)

In other words, one clinical trial is cited, which showed no beneficial effects of DHA supplementation. Yet the TR makes several unreferenced statements to mislead NOSB members into believing that DHA supplementation is beneficial.

In addition, the one study that is referenced, which showed that DHA supplementation was not effective in slowing cognitive decline, is not correctly referenced. Not only is the Jump 2009 reference not the primary source, but the Jump 2009 article never mentions this trial.

In another example of contradictory statements in the TR, line 120-121 of the TR states that “The results of several randomized controlled trials of preterm and term infants fed formula enriched with DHA have been mixed. It is unclear from the trials whether DHA-enriched infant formula enhances neurological development or visual acuity in full term or preterm infants (Jump, 2009).”

This conflicts with lines 490-492, which is another unreferenced statement: “Randomized clinical trials found that DHA supplementation in infants was associated with positive effects on visual and cognitive maturation, especially in preterm infants.” Again, the TR includes unreferenced conjecture, which directly contradicts referenced statements in other parts of the TR.

## **7. Failure to incorporate a diversity of opinions**

The Policy Manual, on page 36, also states that a diversity of opinions should be incorporated to minimize the risk of bias. The TR reviewers clearly failed to consult a diversity of experts, and relied most heavily on either Martek itself, or sources provided by Martek.

In the TR, Martek’s petition is referenced 16 times, including for information that should have been fact-checked (for example, the Martek claim that all n-hexane is recycled is inconsistent with EPA emissions data showing that 8,400 pounds of n-hexane were released into the air).

Another heavily cited reference is "Kyle," which is cited 15 times. David Kyle is one of the founders of Martek Biosciences Corporation, a previous Vice-President of Martek, and a patent holder for several of the DHA algal oils.

The most heavily cited reference is "Jump 2009." This references a webpage on the Linus Pauling Institute website. The Linus Pauling Institute is part of Oregon State University, and a credible source. However, while this webpage contains valuable information with hundreds of scientific references, it is not a published, peer-reviewed academic article and should not serve as a primary source. In some cases (see line 121), Jump 2009 is referenced for statements that do not appear on the webpage.

Moreover, not only was The Cornucopia Institute never contacted, the sources and materials that our organization has documented and analyzed were not referenced. Consulting Cornucopia's materials would have guided the TR reviewers to important scientific studies, such as the meta-analysis studies cited previously. While none of Cornucopia's materials, thoroughly annotated, are primary sources, our materials would have been a gateway for a better, more unbiased and independent analysis on the part of the TR reviewers.

#### **8. Contradicting information – indicative of an unqualified reviewer(s)**

While the Policy Manual does not state that the third party reviewer should be well-versed and familiar with the substance under review, the term "expert" implies that the reviewer is expected to have more than just a basic understanding of the subject. Not only is one of the TR reviewers clearly not an expert, this individual lacked even a basic understanding of DHA Algal Oil (given serious inconsistencies in the level of analysis, such as the discrepancy between lines 225 and 303, it is clear that the TR was either written by two or more different people, or the individual gained an understanding of DHA Algal Oil while working on this document, and failed to correct sections that were written before s/he had a basic understanding of Martek's oils).

Specifically, it appears that one of the reviewers was unaware that the TR should cover both Schizochytrium sp. oil and *C. cohnii* oil. In line 303, the TR states that "DHA Algal Oil and DHA are available from two natural sources in addition to *C. cohnii*: an algal source (DHA Algal Oil) and oily fish and shellfish (DHA). DHA Algal Oil can be obtained from Schizochytrium species, another species of marine algae (Doughman et al., 2007)." This line suggests that the person writing this part of the TR was unaware that Martek's petition for DHA Algal Oil includes oil from Schizochytrium species. In other sections of the TR, the reviewer does appear to understand that the review is for both species of algae (see line 225).

Moreover, in line 306, the TR states that "the extraction process [for Schizochytrium oil] is very similar to that used to extract algal oil from *C. cohnii*." This is incorrect, and provides another example of one of the reviewer's basic lack of familiarity and understanding of the substances under review. The extraction process for Schizochytrium is in fact quite different from *C. cohnii* oil. It does not involve a chemical solvent but isopropyl alcohol. This perhaps explains why isopropyl alcohol is never mentioned in the TR.

## 9. Cornucopia questions:

What were the reviewer's qualifications for performing this technical review? In several parts of the TR, the reviewer clearly lacks a basic understanding of the materials under review.

Page 4 of the Policy Manual states that the NOP, during phase 4, will determine if the TR is acceptable. Several of the criteria were not met.

1. The policy manual states that the TR must be "consistent in format, level of detail and tone." This is not the case. The TR was clearly written by at least two separate individuals, one of whom was unaware that the TR should cover Schizochytrium species oil as well as *C. cohnii* oil (see line 303-306).
2. The second criterion is that the report must be "technically objective and free from opinions or conjecture." How did the NOP allow this TR to be deemed acceptable when numerous unreferenced and misleading statements (conjecture) are included? See lines 502, 520, 490, and others for unreferenced statements.
3. The fifth criterion was not met: "Is based on the best available information that can be obtained within the designated time frame." In too many cases, the reviewers considered Martek's petition to be the "best available information," and failed to fact-check or perform their own research. The most egregious example is the reviewer's failure to consult EPA emissions data to fact-check whether all n-hexane is indeed "recycled," as Martek claims, or whether any of this hazardous air pollutant is emitted into the air.
4. The criterion that the report be "thoroughly supported using literature citations" is also not met. As noted earlier, numerous unreferenced statements are made throughout the TR, misleading NOSB members into believing that scientific data supports the claims that these materials are beneficial. In addition, for 29 of the TR's statements that are referenced, the reference is a webpage ("Jump 2009" is not a published article, but the following webpage: <http://lpi.oregonstate.edu/infocenter/othernuts/omega3fa/index.html>). These statements should have been fact-checked, and should list the primary source as the reference, not the Linus Pauling Institute webpage.

The Policy Manual also states that the Handling Committee should do the following: "To incorporate a diversity of opinions and to minimize the risk of bias, a committee should aim to work with a range of technical experts (individuals, or institutions)." It appears that the HC wrote its recommendation based on an inadequate and incomplete TR, written by individuals that are clearly not "experts" on this topic. Were any experts, other than those affiliated with Martek, consulted?

It would have been irresponsible to rely only on Cornucopia's research, but no organization has invested as much in analysis of the available published research and public policy implications as The Cornucopia Institute. The Policy Manual states that the third-party expert should consult a wide range of opinions to minimize the risk of bias, and it is clear that this criterion was not met.



United States Department of Agriculture

Office of the Secretary  
Washington, D.C. 20250

AUG 8 2012

Mr. Will Fantle  
Codirector  
The Cornucopia Institute  
Post Office Box 126  
Cornucopia, Wisconsin 54827

Dear Mr. Fantle:

Thank you for your letter of April 5, 2012, regarding the National Organic Standards Board (NOSB). In your letter, you expressed concerns about the appointment of Ms. Carmela Beck to a position designated for an organic farmer under the Organic Foods Production Act (OFPA). You also expressed concern about the sufficiency of the technical report prepared to inform the NOSB's evaluation of docosahexanoic acid (DHA) algal oil and arachidonic acid (ARA) fungal oil and about the selection of the Organic Center as a technical report contractor. I apologize for the delayed response.

With regard to the appointment of Ms. Beck to a farmer position on the NOSB, you ask for her immediate removal based upon your contention that the farmer position on the Board is reserved for individuals that "own or operate an organic farm" and that the provision does not allow for appointment of corporate representatives to a farmer position.

The appointment of Ms. Beck is entirely consistent with the criterion in OFPA that provides for the appointment of individuals that either own or operate an organic farming operation. Ms. Beck, who has worked in organic food and farming for 8 years, is the National Organic Program Supervisor and Organic Certification Grower Liaison for Driscoll's. Driscoll's is a major producer of several varieties of both organic and non-organic berries, and operates a certified farming and handling operation. In her position at Driscoll's, Ms. Beck works directly with growers and handlers to ensure their compliance with organic standards. She is involved on a day-to-day basis with Driscoll's farming operations. Also, she has extensive knowledge and experience in organic production and has responsibilities that encompass compliance with OFPA and the National Organic Program regulations. Ms. Beck is an individual who operates an organic farming operation, and, based on her expertise and experience, she is qualified to serve on the NOSB as a representative of organic farming operations.

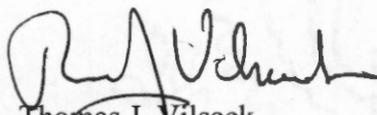
With respect to the technical report used to inform the NOSB vote on DHA/ARA, you expressed concerns that the report was inadequate, biased, and lacked sufficient citations. The report was generated by a qualified contractor that has been preparing Technical Reports for the NOP and

Mr. Will Fantle  
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NOSB for several years, and the report was accepted by both the NOP and the NOSB. The Organic Center, which was not involved in developing the DHA/ARA report, was selected on the basis of its technical approach and the expertise and experience of its key staff.

Thank you for your letter and for your support of organic agriculture.

Sincerely,



Thomas J. Vilsack  
Secretary