



CORNUCOPIA
I N S T I T U T E

Dear *good food movement* supporter,

Make no mistake about it: This is an indictment, alleging corruption at the USDA that is ruining the credibility of the organic label. If you agree after reading this letter, we ask that you please sign and return the enclosed proxy — add your voice, together, with other farmers and consumers!

The Cornucopia Institute was among the many organic stakeholders that applauded the 2009 decision to make Miles McEvoy the director of the USDA's National Organic Program (NOP). Coming from a background in organic certification and inspection, in Washington state, Mr. McEvoy appeared to be the right antidote to the corruption and deceit plaguing the NOP under the prior administration.

Since then, however, we have grown increasingly disappointed by the dimming of that promise and the distressing developments we have witnessed over the past few years. In fact, the situation has so seriously deteriorated that we now believe that **change is once again needed at the NOP**. Cornucopia recently sent USDA Secretary Tom Vilsack a letter detailing why the replacement of the NOP's management is warranted. **We also recently sued the USDA, in federal court, accusing the agency of violating the law and the intent of Congress by watering down the organic standards (and oversight by the public).**

Who owns the organic label? We do! Your voice is needed more than ever to save organics. Please sign the enclosed proxy.

The Cornucopia Institute is asking you to **help us bring new management into place at the NOP** that will be truly dedicated to carrying out the intent and spirit of the landmark Organic Foods Production Act of 1990 (OFPA). We need you to turn up the heat on Secretary Vilsack.

Enforcement Failures—Conveniently Ignoring Corporate Plunder / A Secret Process

Early in his tenure, Miles McEvoy announced that the NOP was entering the "age of enforcement." A monetary penalty system was developed for lawbreakers and enforcement actions were stepped up (mostly targeting smaller operators). Yet major fraud investigations have languished and some large perpetrators have even received favorable treatment and anonymity during Mr. McEvoy's tenure.

Despite the potential deterrent effect, **the USDA has systematically refused to publicize the full background, nature of violations**, and names of any companies or farms under investigation — even after these entities were found to have broken the law and were fined or penalized. **This secrecy, and a lack of transparency, is a big favor to the bad actors!**

Last December, Cornucopia filed 14 new legal complaints with the USDA alleging violations of federal organic regulations on massive factory farms. Our detailed aerial photos were startling: They revealed a stark absence of cows out on pasture at these operations (the animals were instead confined in feedlots), and giant barns housing 100,000+ birds with no evidence of chickens accessing the outdoors, as required by organic regulations.

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Organizations listed are for identification purposes only

In what appears to be a **serious ethical lapse**, at a recent USDA training for accredited organic certifiers, Mr. McEvoy appeared to coach attendees on damage control tactics concerning organic livestock factories that have been the target of recent outside investigations and accused of violating organic law. Mr. McEvoy's take-away message for certification officials was that industry watchdogs were "bashing **your** operations" [emphasis added].

In public, Mr. McEvoy told a *Washington Post* reporter that the photos Cornucopia provided as evidence of violations (along with other supporting documents) "were taken at a point in time. It really doesn't indicate one thing or another." We have since been informed by the USDA that our complaints were dismissed — without an investigation by the agency!

Cornucopia has also witnessed firsthand the incredibly slow pace when investigations actually do take place. In the fall of 2008, we filed a complaint alleging organic livestock management violations at the huge Shamrock Dairy near Phoenix. It took three years for the USDA to complete its investigation, finding the outfit in serious violation of the law. Shamrock appealed and another three years rolled by. After six years this organic violator is still selling certified organic products to unsuspecting consumers, and taking marketing opportunities away from legitimate law-abiding organic dairy farmers.

How does the USDA investigate formal legal complaints against giant dairy operators like Dean Foods/WhiteWave (*Horizon* brand dairy products)? Typically, the NOP sends the *operation's own certifier* to investigate a complaint. **This is an example of sending the fox to investigate security problems in the chicken coop!** These are the very certifiers that have approved factory farms with inadequate pasture and zero access to outdoors for poultry. Shame.

Bungled investigations have occurred as well. Alerted by organic farmers to suspected organic grain fraud occurring in the Midwest and Northeast, Cornucopia investigated the activities of Jirah Mills, based in Quebec. The documentation we uncovered appeared to clearly validate the concerns, and the names of confidential informants were shared with authorities in Quebec and at the USDA. Quebec officials banned Jirah from engaging in organic commerce in their province.

Meanwhile, the USDA, possessing similar information, somehow never managed to contact the confidential informants to ascertain the extent of fraudulent grain being sold in the U.S. Their investigation is still open. Jirah, now certified by Oregon Tilth, has resumed exporting "organic" grain to the U.S.

USDA Power Grab—Influence Shifting from Farmers & Consumers to Corporate Lobbyists

In September 2013, Mr. McEvoy unilaterally announced sweeping changes in the operation of the National Organic Standards Board (NOSB). This 15-member, multi-stakeholder body was established by Congress as a buffer between agribusiness lobbyists and organic stakeholders to ensure that Big Ag did not corrupt the organic label.

The NOSB was specifically charged with the review of all synthetic/non-organic ingredients and materials used in organic farming and food production. Congress furthermore mandated that the USDA Secretary seek the NOSB's counsel on all aspects of implementing the Organic Foods Production Act.

Acting arbitrarily, Mr. McEvoy next abolished the NOSB subcommittee responsible for the board's meeting procedures, including ethical oversight. He (illegally) claimed the right to co-chair and run board meetings. And when confronted by board members who challenged his authority, Mr. McEvoy threatened to cancel an ongoing NOSB meeting. He then usurped the NOSB's control over its own work plan and agenda.

His 2013 memo made one other key change to NOSB procedures: It changed the way the board handles the mandated review of synthetic and non-organic materials allowed for use in organics, known as the “Sunset process.” Previously, approved synthetic and non-organic materials were taken off of the NOP’s National List every five years, unless reviewed and reapproved by two-thirds of the board.

Mr. McEvoy, without legally required public input, reversed this process. Now, **synthetic materials can stay on the National List in perpetuity** unless a two-thirds majority of the board votes to remove them. How does this fulfill the meaning of the word “Sunset”? Are we now in the *land of the midnight sun*?

With Mr. McEvoy advising Secretary Vilsack on appointments to the NOSB, the responsibility to take these important votes is increasingly falling into the hands of agribusiness employees instead of farmers and other independent stakeholders, as Congress designed.

Cornucopia has joined with 14 other stakeholders in a federal lawsuit challenging the way Mr. McEvoy implemented the changes to Sunset.

Ignoring NOSB Recommendations and Votes

- **Nanotechnology in organics???**: In 2010, the NOSB recommended a complete prohibition on nanomaterials in organic food and packaging based on inadequate science ensuring the technology’s safety for human consumption. The board called for more thorough study and asked the USDA for technical assistance to conduct a full examination. Instead, five years later, Mr. McEvoy unilaterally decided against any moratorium on organic food containing human-engineered nanoparticles. Simultaneously, it was separately revealed that the USDA has distributed \$3 million in funding research exploring nanotechnology applications in food production.
- **Hydroponics — growing organic food in water and a nutrient solution???**: In 2010, the NOSB affirmed that U.S. organic law requires plants to be grown in soil, with the focus on *enhancing soil fertility*, thus positively impacting the nutritional content of organic food. In the opinion of the board, growing plants in water or air, using a mixture of natural and synthetic nutrients, does not meet the letter or spirit of OFPA. However, the NOP is allowing giant, multimillion-dollar “farms” to grow plants in synthetic additives, in artificial lighting, and to label the products *organic*.
- **Carrageenan**: This controversial ingredient is used in processed foods as a thickening agent and emulsifier. Public research by independent scientists links carrageenan to gastrointestinal inflammation, including higher rates of colon cancer, in laboratory animals. Outrageously, due to the corporate influence on the board, the NOSB narrowly voted in 2012 to keep carrageenan on the National List for another five years but “to prohibit its use in organic infant formula.” (The European Union bans carrageenan from organic infant formula.) Yet the NOP, under Mr. McEvoy, rejected the infant formula prohibition, thereby endangering the health of American infants in pursuit of profit.

Organic Regulatory Theater

This year, in addition to other responsibilities, the NOSB began the unrealistic task of “carefully” reviewing over 200 synthetics that will Sunset in 2016 and 2017. In the past when the workload has exceeded the NOSB’s capacity, the USDA has scheduled a third meeting during the year and/or added extra days to NOSB gatherings.

That will not be the case this year. At last spring’s NOSB meeting in La Jolla, California, votes took place on fewer than two dozen of the materials. The fall meeting is scheduled to handle more than 170

reviews and votes. Furthermore, under the process established by Mr. McEvoy, all of the information essential to the review of the remaining materials was to be presented by the end of the La Jolla meeting. Cornucopia noted, during the meeting, that many of the essential technical reviews of these materials — designed to determine human health and environmental impacts as well as the necessity for the materials — had not been completed. And subcommittee minutes were withheld from the public.

In our *Organic Watergate* report (under the *Reports* tab at cornucopia.org), our researchers reveal that some of the reviews were performed by biased corporate executives and agribusiness consultants or closely aligned, corporate-funded academics. Many of these technical reviews grossly downplayed health and environmental risks associated with petitioned synthetic materials.

Now, under Mr. McEvoy, **the names of the actual scientists conducting the technical reviews have been made secret**. Public funds are being used to educate the board about impacts of synthetic materials considered for use in organics, but **the public is unable to assess whether or not the reviewers are qualified or may even have a conflict of interest**. Truly Orwellian.

So, where do we go from here? Cornucopia has heard from some individuals who say we are needlessly attacking the sanctity of organics by raising these concerns. We have also heard that we might get someone worse than Mr. McEvoy if a change were to be made. One thing is clear, Mr. McEvoy will eventually leave his job and a replacement will be found. But more to the point, it is hard to imagine what more someone in his position could do to complete the corporate takeover of organics. **The betrayal to transparent and ethical organic values envisioned by the organic founders is inexcusable!**

Stand with us to help save organics. Sign and return the enclosed proxy and add your voice to the call for new organic program management.

Deep fissures have developed in the organic community that are undermining the public/private partnership Congress envisioned upon passage of OFPA 25 years ago. **This growing divide is threatening the credibility and reputation of the organic label**, which has already been downgraded by the country's largest consumer public interest group, *Consumer Reports*.

We have an opportunity to address this situation, to make proper corrections. We encourage you to join with us. **Please sign the enclosed proxy letter and return it to us in the envelope provided. Show your support for organic integrity and ethics!** Help us make the changes necessary to protect the bright promise organics offers to food, agriculture, and the health of our planet.

Sincerely,



Mark A. Kastel, Codirector

P.S.: This is not a fundraising campaign. However, our legal work, including this outreach, is expensive. We will hand-deliver your proxy to the offices of USDA Secretary Tom Vilsack. If you are in a position to help fund this effort, please do so. But know that your donation is totally optional and your letter will be delivered regardless.