



C O R N U C O P I A
I N S T I T U T E

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