



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

May 8, 2014

Secretary Tom Vilsack
Room 200-A Whitten Building
U.S. Department of Agriculture
Washington, DC 20250

Dear Secretary Vilsack:

We are highly disturbed by the arrogance exhibited by the current management at the National Organic Program. We hope you will re-examine recent unilateral changes that have been made that undermine the collaborative public participation Congress intended when they passed the Organic Foods Production Act (OFPA) of 1990.

There is little doubt that some of these changes, specifically to sunset, violate the intent of Congress (as illustrated by the letter Sen. Leahy and Rep. DeFazio, OFPA's two primary authors, sent you two weeks ago).

The Cornucopia Institute has some recommendations regarding the National Organic Standards Board (NOSB) that we are, once again, offering to you for your consideration. Our motivation is to partner with the Department in creating a truly exemplary program, as Congress envisioned, protecting the integrity of the organic label.

This year, as you know, four new members will be appointed to the NOSB. When Congress passed OFPA, they designated membership slots on the NOSB for various constituencies involved with organic food and agriculture. We believe that past appointments to the NOSB have not always been legally in line with the slots for which the individual was appointed. For example, an employee of the General Mills corporation was proposed for appointment to the NOSB as a consumer representative by the previous administration. The proposal generated such an uproar in the organic community that the individual proposed for the seat withdrew her nomination (she was, however, later appointed to the Board as a scientist representative).

During your tenure, one of the four farmer slots on the NOSB was filled with the appointment of an individual who was not an active farmer – rather she holds a PhD in animal husbandry and worked for one of the nation’s largest entities involved with organic livestock. Although she certainly brings a valuable perspective to the NOSB, and she grew up on a farm, the fact remains that she was not an experienced organic agricultural producer and the slot is designated for a farmer. We know of a number of truly exemplary farmer-candidates who were passed over when she was appointed.

Because this individual was not, as the law requires, an “owner or operator” of a certified organic farm at the time, this was not a legal appointment. If the same circumstance occurs in the future we will not hesitate to immediately seek a judicial remedy.

Another NOSB member you appointed to a farmer seat was a full-time employee of the nation’s largest berry producer. The company, Driscoll’s, does not even grow any organic produce; rather, they purchase under contract from certified organic growers. Maybe you aren’t getting good advice, Mr. Secretary? We can’t imagine that a more experienced and truly representative organic agriculturalist could not have been appointed, one who would fully conform to the spirit and letter of OFPA.

In addition, many of the other appointees to the NOSB have come from the ranks of the largest corporate agribusinesses involved with organics. Often times, organics represents a small percentage of the sales volumes of these industry giants.

While The Cornucopia Institute supports the engagement and involvement of America’s corporations in organics, we also believe that the organic community is best served by those companies that maintain a significant portion of their economic activity in organics. Simply because a company derives some percent of its sales from organic commodities does not mean that they understand or are truly vested in the growth of the organic industry. There is certainly no shortage of firms that gain the vast majority of their sales from organic foods as possible representatives on the NOSB.

Please know that while The Cornucopia Institute is an aggressive governmental and corporate watchdog, we are in no way "anti-corporate." There are many examples of larger corporations that subscribe to the ethical foundation the organic movement was founded on. But corporate industry participants now have a disproportionate prominence on the NOSB,

The NOSB is different from many federal advisory boards in that it is the final arbiter of decisions concerning various materials allowed in organics, as well as providing feedback and guidance to the National Organic Program on many other issues. Because of its important role, The Cornucopia Institute believes that the organic community would be best served by a

transparent selection process allowing stakeholders to weigh in on potential appointees to the Board. At one time, prior to the Obama administration, the names and backgrounds of nominees were made public. We are calling on you to return to this type of process.

We are not asking you to release the full application forms individuals submit to the USDA for appointment to the NOSB. Much of the personal information contained on that form is not essential or even germane to public feedback. Rather, we are explicitly interested in the name of the individual and the slot for which they are applying and their industry background and qualifications to serve. Many in the organic community would welcome the opportunity to provide constructive feedback on the potential appointees and help ensure that the best and most qualified individuals are the focus of the final appointment process that you and the Department exercise.

The Cornucopia Institute also wishes, once again, to bring to your attention the need for a modest stipend for NOSB members who are not associated with a business entity with strong financial resources. The workload for the volunteers on the Board has grown significantly. Many dedicated members spend hours every week reviewing documents, engaged in committee calls and other phone conferences, and preparing to attend the several day semi-annual meetings of the NOSB. A number of citizen-members of the Board (particularly farmers) must find additional labor and/or help to allow their meaningful involvement in the process. This contrasts with other Board members whose employers are able to cover their costs of involvement.

A modest stipend, we believe, would address the imbalance that is currently weighing upon some members of the Board. It will also help ensure that capable and qualified individuals continue to come forward for a potential appointment to a 5-year term on the Board.

We thank you for your consideration of the concerns raised in this letter and look forward to working with you and others in the Department on organic and other agricultural issues in the coming years.

Sincerely,

A handwritten signature in black ink that reads "Will Fantle". The signature is written in a cursive, slightly slanted style.

Will Fantle, Codirector