

THE CULTIVATOR

NEWS FROM THE CORNUCOPIA INSTITUTE

SUMMER 2015

USDA Sued for Upending 'Sunset' Process

15 Organic Stakeholders Challenge Agency's Action in Federal Court

BY WILL FANTLE

Organic stakeholders have filed a lawsuit in federal court, maintaining that the U.S. Department of Agriculture (USDA) violated the federal rulemaking process when it changed established procedures for reviewing the potential hazards and need for allowed synthetic and prohibited natural substances used in producing organic food.

A coalition of 15 organic food producers and farmer, consumer, environmental, and certification groups asked the court to require USDA to reconsider its decision on the rule change and to reinstitute the agency's customary public hearing and comment process.

The unilateral agency action was taken to adopt a major policy change without any public process, and was declared in a September 2013 memo from Miles McEvoy, the director of the National Organic Program. Cornucopia and the other plaintiffs maintain that the change additionally violated one of the foundational principles and practices of OFPA — public participation in organic policy-making.

In adopting the Organic Foods Production Act of 1990 (OFPA), Congress created standards for organic certification and established the National Organic Standards Board (NOSB) to



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oversee the approval process for the use of any synthetic and non-organic materials used in agriculture and food processing.

The NOSB's evaluation criteria include a determination that the substances not cause harm to human health and the environment and are necessary in organic food production and processing, given a lack of alternatives.

Any such material approved for use is then placed on the "National List" and subject to a review by the NOSB every five years, called the "sunset" process. The materials were expected to cycle off the National List unless a two-thirds majority of the NOSB voted to relist them after considering public input, new science, and new information on available alternatives.

McEvoy's 2013 memo proved a

The National Organic Program unilaterally changed the process by which non-organic and synthetic materials are cycled out of organic production, in violation, the plaintiffs say, of organic law.

complete reversal of the accepted process, one that had been publicly debated and approved at previous meetings of the NOSB.

In essence, under the new approach, materials remain on the National List, unless a super-majority of the NOSB votes to remove them —

LAWSUIT continued on page 10

INSIDE THIS ISSUE

Origin of Livestock Rule.....	2
Oh No, Nanos!	4
Organic Maple Syrup: The Sweet Truth.....	5
Herbicide Contamination in Organics.....	6
NOSB Spring Meeting Report	8
New Board Member, Policy Advisors	10
Farmer Profile: Coyote Creek Farm.....	11

Conventional Cows on Organic Dairies?

USDA's Proposed Origin of Livestock Rule Could Create New Loophole

BY WILL FANTLE

The USDA's National Organic Program released the long-awaited proposed rule amending their "Origin of Livestock" regulations — five years after they named it a top priority. The new rule is supposed to close a giant loophole allowed by the USDA's interpretation of federal regulations.

The loophole has allowed organic factory farms to constantly bring conventional young stock onto their operations to both grow the dairy operations and replace animals burned out by their high production management approach.

The situation has long outraged ethical family-scale organic dairy farmers whose management practices produce self-sustaining dairy herds. These farmers and their supporters have been pressuring the National Organic Program (NOP) to

eliminate the loophole for the past decade.

The organic standards, as designed, prevent dairy producers from using antibiotics and other drugs. These prohibitions make it incumbent upon farmers to create a healthy environment for their herd and not push to maximize production, which exponentially increases stress on the animals.

The industrial-scale dairies subvert this principle, some pushing their cows for 25,000 pounds or more of milk production per year, a precursor for mastitis (udder infection) and other maladies. Their management solution has been to import conventional replacements for the sick and lower-producing animals, and "convert" them to organic on a continuous basis.

"Industrial-scale dairies, or 'factory farms,' generally in the desert West, have gamed the system and competi-

"To qualify as a dairy farm under the proposed rule, all you have to do is milk one cow. One. And you never have to ship any milk. You don't really need to be a commercial dairy farm."

tively disadvantaged the family farmers who milk cows and follow the spirit and letter of the law," explains Mark A. Kastel, Cornucopia's Senior Farm Policy Analyst.

"These dairies burn out their cattle and send them to the hamburger plant, sometimes just a year or two after they start milking them, and then replace them with conventional cows," Kastel continued. "This undermines the integrity of the organic label."

To meet the demand from these factory farms for replacement ani-

Continued on page 3

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Photo by The Cornucopia Institute

The origin of livestock regulations allowed industrial-scale organic dairies to purchase conventional stock to replace worn out milk cows. Aurora Coldwater Dairy, above, manages 18,000 cows on 3,558 acres in Stratford, Texas, according to state filings.

imals, wholesale suppliers of *organic* heifers (young cows who have not yet calved for the first time) have arisen. These organic heifer farms generally purchase one-year-old conventionally raised yearlings. These animals were typically raised on “medicated” milk replacer (infant formula for bovines) that includes antibiotics and other materials banned in organics. After weaning, the young animals’ diet generally consists of conventional feed, treated with toxic agrochemicals, and almost undoubtedly all genetically engineered (practices prohibited in organics). The heifer ranches, who purchase the young stock, then manage the cows as organic from this point on in their lives until their eventual sale to the large factory farms.

The new proposal by the USDA theoretically tightens the rule by banning the heifer ranches that are converting and raising conventional cows and selling them, by the thousands. Instead, *all cattle*, as was the intent of the original regulations, must be managed on organic feed, and without banned drugs, from the

last third of gestation (meaning, prior to birth).

Under the proposal, farmers would still be allowed, as they are now, to convert an existing herd of milk cows and their young offspring to organic status by providing them qualified organic feed, and shunning any of the prohibited pharmaceuticals, for one year before they officially sell their milk as certified organic. This is a one-time conversion under the law.

But here’s the catch. The problem is what the USDA proposal defines as a *dairy farm*. “I wish I was making this up,” Kastel said. “To qualify as a dairy all you have to do is milk one cow. One. And you never have to ship any milk. You don’t really need to be a commercial dairy farm.”

The Cornucopia Institute is concerned that agribusiness players will continue to game the system by creating, on a continual basis, new faux dairy “farms,” milking one organic cow and never even selling the milk. But these farms could each have thousands of young conventional heifers, and then sell the entire

herd of newly converted heifers to factory farm customers. This process could start over each year with new ownership “on paper,” thus qualifying them to convert subsequent herds on a “one-time basis.”

“The proposed USDA regulations, allowing conventional herds to transition to organic production in one year, need to be prescriptive to avoid abuse that will directly affect the pay price and family income of dairy producers,” notes Ed Maltby, a respected organic dairy industry expert and executive director of the Northeast Organic Dairy Producers Alliance.

“By specifying that the organic certificate holder is the recipient of a one-time exemption, allowing conventional animals to become organically certified in one year, the USDA has opened the door to individuals and corporations exploiting this exception by using conventional dairy livestock to continually start new organic dairies,” Maltby added.

If this all sounds rather complex and deep in the weeds, it is. But the facts are that those hungry to meet the strong consumer demand for wholesome organic foods are willing to bend the rules to get a share of the pie. And they are constantly looking for loopholes.

Given this reality, Cornucopia is asking the USDA to close the new loophole before it is exploited and creates another mess that cheats both consumers and ethical family farmers.

Cornucopia has an online action alert on to help farmers and consumers submit comments to the USDA on the new proposal by the July 27 deadline. Go to <http://tinyurl.com/OriginofLivestock> to help protect organics.

Visit www.cornucopia.org for an action alert on this issue.



No Definitive 'No' on Nano

USDA Disregards NOSB's Recommended Prohibition on Nanomaterials in Organics

BY LINLEY DIXON, PhD

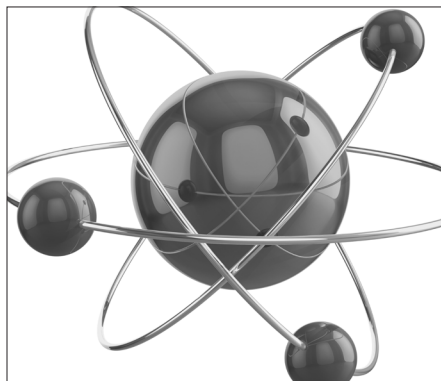
Despite the consensus in the organic community that nanotechnology should be prohibited in organics, the USDA's National Organic Program issued a new guidance in March that allows companies to petition for use of human-engineered nanomaterials in organic production and processing. The new guidance dismisses the recommendation of the NOP's advisory body, the National Organic Standards Board (NOSB).

Nanomaterials are tiny particles measured in nanometers, or billionths of a meter. Due to their incredibly small size, nanoparticles ingested in food are fundamentally different and can move throughout the body and through cell structures in unknown ways. Experts on nanotechnology are virtually unanimous that nanoscale materials have the potential for health effects that are uniquely different from the same substances comprised of larger-sized molecules.

In the fall of 2010, the NOSB adopted a policy that defined "engineered nanomaterials" and recommended that the NOP prohibit them in organic products and take steps to avoid their accidental or incidental presence.

The NOSB further requested that "the NOP work with [them] on the adequacy of the definition, any potential areas of concern that may not be included in this definition, parts of this definition that are not workable within enforcement, and possible adjustments to the approximate size constraints that may be needed."

The NOSB's recommendation noted that "there is overwhelming agreement within the organic industry to prohibit nanotechnology in organic production and processing at



this time." The NOSB was very clear in their wording that nanomaterials should not be allowed in organic production or in organic processing and packaging, just as GMOs are strictly prohibited.

In stark contrast to the NOSB recommendation, the new guidance from the NOP states: "The NOP does not consider nanotechnology to be intrinsically benign or harmful." Perhaps not coincidentally, the USDA announced this spring that the agency had awarded \$3.8 million in grants for nanotechnology research by nine universities.

In his policy memo on March 24, 2015, NOP Deputy Administrator Miles McEvoy opened the door to petitions for nanomaterials, stating: "As with other substances, no engineered nanomaterial will be allowed for use in organic production and handling **unless** the substance has been: 1) petitioned for use; 2) reviewed and recommended by the NOSB; and 3) added to the National List through notice and comment rulemaking" [emphasis added].

Sadly, this is just the latest chapter in the USDA's NOP violating the will of Congress, by their gross disrespect for the expert, volunteer members of the NOSB, and other organic stakeholders, who spend thousands of dol-

In response to consumer pressure, food industry giants like Kraft, McDonald's and Dunkin' Donuts are moving away from nanomaterials in their products. Why then has the USDA National Organic Program left the door open for their potential use in organics?

lars and untold hours in the collaborative process that develops NOSB resolutions and recommendations.

Based upon its study of the issue, the NOSB had expressed concerns about contamination of organic products with nanomaterials added to packaging, food contact surfaces and water sources. Their policy was informed by and aligned with the "precautionary principle." The NOP guidance fails to address these concerns.

Engineered nanomaterials are already being added to conventional foods, fruit and vegetable coatings, food packaging materials, supplements and cosmetics. Titanium dioxide, for example, is used to increase the whiteness of milk, yogurt and dairy substitutes. Nanomaterials are also used in chocolate, salad dressings, cereal, pasta and other foods.

In response to consumer pressure, in recent years major food industry players have announced they are moving away from nanomaterials in their products. These include Kraft, McDonald's and Dunkin' Donuts, which pledged to remove titanium dioxide in its powdered sugar.

No federal agency regulates the use of nanomaterials in food, and there is no requirement to list them on product labels.

The Sweet Truth about Maple Syrup

Certified Organic Production Surpasses Conventional on Several Scores

BY JÉRÔME RIGOT, PhD

Many people may wonder why a seemingly natural product such as maple syrup would need to be certified organic.

However, the reality is that there are significant differences between conventional and certified organic maple syrup production.

One key difference is that the maple stand (or sugar bush) must be managed for long-term health and sustainability. Under the organic standards, good forestry practices are required to ensure a healthy and diverse stand composed of mixed young and mature maples species with at least 15% of different tree species.

Remember, sap is greatly concentrated. Any additives or contaminants will be concentrated as well.

Organic producers are expected to follow practices that will minimize impacts to the forest and the trees. Tubing and pipelines that carry the sap to the sugarhouse must be secured so as to not damage trees. Nails and other hardware inserted into trees to hold lines are prohibited, and paint (a synthetic substance) cannot be used to mark trees. The chemicals used to clean or disinfect the lines must follow organic regulations avoiding toxic products.

Tapping standards protect tree health by preventing over-tapping, and state regulations often differ from organic regulations. (Some states regulate domestic maple syrup production.) States may allow tapping trees with smaller diameters than required by organic regulations, and the number of taps allowed per tree

can be significantly different. It must be noted that a tree with a smaller diameter is a younger tree that will be more stressed by the tapping than a more mature tree.

Small taps (5/16") are used in organic production while taps up to 7/16" in diameter may be allowed by state regulations in conventional maple syrup production. A larger bore is likely to generate more damage to the trees and holes that will heal much more slowly.

Furthermore, no synthetic chemicals can be applied in the sugar bush. Conventional producers often use herbicides or other synthetic pesticides to control unwanted plants or insects and may also apply synthetic fertilizers.

Lead is a big concern. Old galvanized containers that were used to collect sap directly from trees or the galvanized tanks used to store the sap would leach significant amount of lead into the sap. In organic production, all tanks are stainless or food grade plastic and evaporator pans are stainless steel. The drums used to pack the finished syrup are stainless or food grade plastic; if galvanized, they must be inside-coated with epoxy and regularly inspected for flaking of the epoxy paint, in which case the drums are discarded.

The sugarhouse must be clean; all equipment, such as the reverse osmosis unit, the filter press, holding tanks, and the evaporator pans, must be in good condition and thoroughly cleaned every day throughout the season. Only certain cleaning chemicals for the pans and the reverse osmosis unit are permitted in organic production, and the rinsing must be extensive as noted in the required protocols.

During the sap boiling process, conventional syrup producers often



Photo by Karen Bolstad

Chuck Bolstad gathers sap from a maple stand near Viroqua, Wisconsin. Over 10 years ago, Chuck and his wife, Karen, were among the founding members of a maple syrup co-op, the predecessor of the certified organic Maple Valley Cooperative.

add synthetic defoaming agents that contain food additives such as mono- and di-glycerides as well as polyethylene glycol. Organic producers must use certified organic vegetable oils or organic butter. Remember that the sap is greatly concentrated (approximately 40 gallons of sap creates one gallon of maple syrup) so anything added, or any contaminants, will be significantly concentrated as well.

The organic inspector checks that all organic standards are being followed and the records (required in organic production) are up-to-date during an annual inspection of both the sugar bush and the sugarhouse.

In summary, certified organic maple syrup is healthier for you, the maple trees, and the environment.

The Canary in the Organic Coal Mine

Organic Crops and Gardens Increasingly Contaminated by Persistent Herbicides

BY LINLEY DIXON, PhD

Nothing is more infuriating than first-hand accounts of “Big Ag” putting sustainable organic farmers out of business. Herbicide carryover in compost embodies this travesty in the same vein as chemical drift, GMO contamination, and the monopolies created when seeds and genes are patented.

Herbicide carryover (when persistent herbicides remain in compost, which then damages crops) may be initially hard to fathom, but occurrences are increasing due to the expanded use of certain persistent chemicals.

Here’s the calamity, for many family farmers, in a nutshell: broad-leaf-specific herbicides sprayed on conventional pasture and hay fields pass unchanged through the digestive tract of farm animals, ultimately ending up in their manure, where the herbicides do not break down for many years, even when properly and thoroughly composted. When contaminated compost finds its way into garden soil, crops will suffer. When that garden is your livelihood, it is tragic.

Soil type and environmental conditions affect the length of time that persistent herbicides are active, but damage to crops from a single application of contaminated compost is commonly reported to last several years. Symptoms resemble diseases caused by plant viruses and nutrient deficiencies; therefore, the problem is often misdiagnosed by extension agents, agronomists, and other experts. Testing is expensive and doesn’t detect the small amounts of herbicide that crops react to. Highly susceptible cash crops include tomatoes, potatoes, eggplant, peppers, lettuce, beans, peas,



Photo by John Mason, www.geologywales.co.uk/

This sunflower shows the leaf curl characteristic of poisoning by aminopyralid herbicide. In this case, the herbicide contamination came from horse manure.

spinach, carrots, and berries, among others.

In the last few years, herbicide carryover has garnered attention as gardeners, organic farmers, commercial composting companies, and extension agents learn to recognize the diagnostic symptoms on crops and understand how prevalent persistent herbicides in compost and irrigation water have become.

In fact, the problem of persistent chemicals contaminating farms has become so mainstream that the National Organic Standards Board (NOSB) has been discussing the issue for the past year through a formal discussion document entitled “Protecting Against Contamination in Farm Inputs.” On February 24, 2015, the NOSB Crops Subcommittee released a “Contaminated Inputs Plan.” The plan considers various off-farm materials and addresses what contaminants might be present, whether they are of concern, and if they can

be avoided. Unfortunately, this plan continues to place the burden on the farmer, not the contaminator. Nothing short of a ban on persistent herbicides by the EPA will prevent continued crop failures from these materials.

The NOSB plan to avoid contamination is nearly impossible to implement when contaminants arrive through irrigation water, or drift, and organic matter is sourced from multiple farms over many years. Currently, crop failures occur when inaccurate information regarding source material is relayed through the long supply chain (hay farmer to livestock rancher to composter to vegetable grower).

The NOSB proposal to require the farmer to conduct bioassay tests on compost to determine whether or not a contaminant may be present places an unrealistic burden on organic

Continued on page 7

farmers given the time it takes for symptoms to develop, greenhouse space required, qualifications needed to properly diagnose symptoms, lack of uniformity in compost piles, and a continuous supply of varying source materials.

The suggestion that it is up to the farmer to prevent compost contamination is directly in line with the advice given by the chemical companies that profit from the sale of these persistent herbicides. In other words: it's your problem, not mine.

Unacceptable Persistence

The EPA should never have approved herbicides that have the potential to persist for several years in the environment. Ironically, their ratings are designed to give potent, persistent chemicals the best EPA scores.

For example, chemicals are rated highly for requiring lower doses (i.e., highly potent) and less frequent applications (i.e., highly persistent). While low doses and fewer sprays sound good at first, chemicals that require low doses are more likely to cause damage to neighboring farms from drift. Chemicals that control weeds for a full season are more likely to contaminate other farms due to their persistence. Why chemicals receive the best environmental ratings for traits likely related to potency and persistence is counterintuitive.

The suggestion that it is up to the farmer to prevent compost contamination is directly in line with the advice given by the chemical companies that profit from the sale of persistent herbicides. In other words: it's your problem, not mine.

Contamination events are still grossly underreported both in the U.S. and globally. Farmers are not always qualified to know why crops are failing or showing reduced yields. Even scientific professionals often mistake symptoms from pathogens, nutrient toxicities, and herbicide damage without expensive, comprehensive testing. In addition, if farmers are able to determine that herbicide contamination has occurred, they may be unlikely to come forward due to potentially losing the ability to market their produce. If a system is in place to be compensated for financial losses due to herbicide carryover, farmers are much more likely to investigate and report when contamination has occurred.

Organic Farmers Should Have the Right to Clean Organic Matter

The incorporation of organic matter into the soil from a wide range of sources has been used to maintain

soil fertility for over 10,000 years and is central to organic and sustainable farming. Incorporating organic matter and nutrients back into the soil prevents the need for synthetic fertilizers and mitigates pollution elsewhere. On- and off-farm inputs include compost, mined minerals, animal byproducts (fish, slaughterhouse waste), hay, mulches, and manures. Organic farmers provide a great benefit to society by recycling these waste products that will end up as hazards if not properly handled.

When organic matter becomes contaminated, humic acids and nutrients cannot be returned to the soil. Manure can contain other synthetic agrochemical residues that may not cause crop failures but still pose risks to consumers and the environment. Other contaminants include heavy metals, insecticide residues, and antibiotics. Herbicide contamination is perhaps "the canary in the coal mine" because of its direct impact on crop plants and farmer livelihood, but these other contaminants should not be discounted.

With the increase in the use of persistent chemicals, including herbicides and insecticides, organic farmers are no longer able to trust that organic matter inputs and irrigation water are free of these prohibited materials. Much like GMO contamination, it is nearly impossible for organic farmers to be clean of these materials once they are produced. Until persistent materials are banned, farmers should not be held responsible for contamination and should be compensated by the manufacturer of the herbicides for losses incurred.

Please join The Cornucopia Institute in our fight to ban persistent herbicides by contacting your local and state representatives about your concerns.

A version of this article with references is available at www.cornucopia.org.

NOSB: Action Steps Needed

The following items are currently missing from the NOSB's Contaminated Input Plan. The Cornucopia Institute urges the NOSB to:

1. Pressure the EPA to ban the persistent herbicides that have already caused widespread crop losses, including those in the pyridine carboxylic acid class. The EPA must seriously consider the fate of herbicides in compost when evaluating the registration of products.
2. Require organic manure and compost to be utilized when commercially available, much as is the case with organic seed.
3. Require the manufacturer of persistent herbicides to be held liable for losses incurred to farmers from unintentional contamination.
4. Increase awareness of the issue of contaminated farm inputs.

Organic Regulatory Theater?

NOSB's Spring 2015 Meeting Marked by Brutal Workload, Controversy

BY WILL FANTLE

The National Organic Standards Board (NOSB) held its semi-annual meeting in La Jolla, California, April 27–30. The board's four-day meeting was dominated by the discussion surrounding the 200 synthetic and non-organic materials allowed for use in organics and scheduled for their periodic review under the “sunset” process.

The weight of such an extensive review clearly strains the capacity of the 15 volunteer members to assess, in any meaningful way, the balance of human and environmental impacts of the substances plus their essentiality, or necessity, in organic food and agriculture.

Cornucopia's staff had spent more than two months intensely analyzing the materials and providing the board with a scientific analysis of the sub-



stances. Yet even having competent full-time staff engaged in this work, plus several temporary contractors, exceeded our organizational ability to fully review the majority of these substances.

The National Organic Program (NOP) was similarly strained by the task as several Technical Reviews requested by the board from the NOP were not finished and available for board or public review.

The staggering workload led some observers to call the meeting “organic regulatory theater,” perhaps more show than substance.

For much of the first two days, the NOSB heard public testimony on the materials under review as well as a number of other important policy items facing their deliberations.

Board members frequently cite the importance and value of public testimony in helping them conduct their work. Still, each individual's time allotted for a public presentation to the board has been reduced in recent years. Board chair Jean Richardson said they are looking at limiting the time for public testimony even further for the fall meeting or perhaps routing a portion of it through some as yet to be defined web-based system independent of the actual meeting.

A considerable portion of the public discussion focused on several controversies: the allowance of hydroponic systems receiving organic certifica-

Continued on page 9

Summary of NOSB Votes on Petitions, Sunset Materials

A clear message that The Cornucopia Institute, and other organic stakeholders, are pushing the NOSB to act more conservatively was evident in



Exhaust gas, used for gopher control, was one of several rejected petitioned materials.

products) and the petition to add triethyl citrate (for use as a whipping enhancer for egg whites) were both voted down, based on lack of essentiality.

All newly petitioned crops materials failed to be added to the National List, including exhaust gas for gopher control, calcium sulfate (gypsum from flue gas desulfurization) for use as a soil amendment, and

the votes to remove three 2016 sunset toxic boiler additives: cyclohexylamine, diethylaminoethanol, and octadecylamine. The NOSB also voted to reject the petition to add PGME as a synthetic boiler additive, based on comments provided by Cornucopia staff at the previous meeting.

The petition to add whole algal flour (used as a partial replacement for cream, milk, eggs, and/or butter in vegan

3-decene-2-one for use as a potato sprout inhibitor.

Non-organic glycerin was removed from §205.605(b) (synthetic materials for food processing) and substituted on §205.606 instead requiring the use of organically produced glycerin (produced by the process of microbial fermentation) as long as it is commercially available.

The only newly petitioned substances to be voted on to the National List were livestock materials: acidified sodium chlorite (for use as a teat dip for dairy cows) and zinc sulfate (for use as a foot bath for cattle).

2016 sunset materials that were voted to remain on the National List included L-malic acid, microorganisms, activated charcoal, peracetic acid, sodium acid pyrophosphate, ferric phosphate, and hydrogen chloride.

2016 sunset materials that were voted off the National List included egg white lysozyme, which Cornucopia testified against, and tetrasodium pyrophosphate.

The allotted maximum amount of synthetic methionine for use in poultry production was voted to be averaged over the life of the bird, providing a loophole to increase its use. A resolution that the NOSB is committed to the phase-out of synthetic methionine was subsequently passed.

—LINLEY DIXON, PhD

tion, nanotechnology and its potential uses in organics (see article on page 4), the contamination of seeds and crops/foods by unwanted drift from GMOs, and the continued use of a synthetic amino acid, methionine, in egg and poultry production.

Lurking in the background of this meeting and the micro discussions that occurred at it were larger issues that overhang the USDA's overall handling and governance of the federal organic program and the NOSB.

One of these, the arbitrary changes to the sunset process, is discussed in this issue's cover story.

Another, the NOP's commandeering of the board's agenda and its deciding what is proper for discussion, remains an outstanding concern.

Additionally, two of the four board seats designated by Congress for farmers remain filled by corporate agribusiness employees who don't appear to "own or operate" an organic farm, as the law stipulates. Their voices and votes remain decidedly in the pro-corporate faction of the board that has come to dominate NOSB decision making.

Perhaps the most surreal moment of the meeting occurred when the board approached a vote on raising the allowable amount of synthetic methionine in poultry feed. It was known to be a razor thin vote, with 10 of the 15 members required to support the measure. But on the meeting's first day, one of the measure's supporters, Harold Austin, unfortunately fell in his hotel room, fracturing his hip. He was hospitalized from that point on and took no part in the proceedings.

Days later, however, during the board's public deliberations, Austin was brought into the meeting via a computer Skype connection for his participation. This move was challenged as being out of order by Colehour Bondera, one of the farmer-members of the board and former chair of the Policy and Procedures

The most surreal moment of the meeting occurred when, in apparent violation of parliamentary procedure, a hospitalized NOSB member was brought in via Skype to cast the deciding vote on a controversial issue.

Subcommittee. Bondera argued that there were no provisions for such participation in Robert's Rules of Order (governing board conduct) nor had the board publicly discussed such an allowance that would let someone not physically present vote at a meeting.

Board chair Richardson had prepared for just such a challenge, rejecting it in a brief prepared statement. Farmer-member Nick Maravell announced he would not participate further in the process and left the meeting prior to the vote. Without Austin's vote, the measure would have failed. But the process manipulation worked and the measure squeaked by thanks to Austin's computer-aided presence. This delighted the many giant egg and poultry producers in the audience, who pushed hard for the change in usage levels of synthetic methionine to help their high-production management practices.

The Cornucopia Institute remains steadfast in its support for organic integrity, ethics, and transparency. We will keep prodding the USDA, the NOSB, and organic stakeholders to uphold these values. Consumers seeking the highest quality organic foods are encouraged to access our website for our brand-ranking scorecards.

For Cornucopia's Comments to the NOSB, visit www.cornucopia.org and select the USDA/NOSB link under the "Projects" tab.



USDA: "NOP Should Continue"

The conclusion of a 2011 review of organic regulations by USDA's Agricultural Marketing Services (AMS), which administers the National Organic Program (NOP), was released a week after the National Organic Standards Board Spring 2015 meeting. The review states that the NOP "is not overly complex" and that "there is no critical need to amend any regulations" implemented under the Organic Foods Product Act. The review concludes: "AMS has determined that the NOP should continue."

These conclusions might seem to be reasonable but for several undermining facts.

First, the review was based on only 14 public comments, submitted between late February and late April 2011 — a very busy season for working farmers. This paltry total comes nowhere close to representing the more than 18,500 certified organic farms and processing facilities in the U.S. Had the agency seriously wanted input from organic farmers, the public comment period should have been posted during the winter.

Second, if "no critical need" exists to amend the regulations, why would USDA spend \$1.8 million contracting with consultants to simplify and redesign the certification program under their "Sound and Sensible" initiative?

Further, it is not within the purview of the AMS to determine whether the NOP should continue or discontinue. The National Organic Program was created by Congress, not USDA or any of its divisions, to assure honesty and fairness in the industry. Finally, how do findings from 2011 pertain to the NOP in 2015?

(For the full commentary, visit www.cornucopia.org.)

—JÉRÔME RIGOT, PhD

Cornucopia News

Organic Distributor Elected to Board of Directors, Two Policy Advisors Welcomed

The Cornucopia Institute is pleased to welcome Mitch Blumenthal to the organization's eight-member board of directors. Mitch is the president and founder of



Mitch Blumenthal

Global Organic Specialty Source, one of the most significant organic distributors in the Southeastern U.S. A resident of Sarasota, Florida, Mitch purchased

ten acres of organic farmland in 1995 and continues to grow vegetables, fruits, herbs, and specialty items at Blumenberry Farms. Mitch is involved with the Sarasota-based All Faith's Food Bank and supports

the Manatee Food Bank through major food donations. He is a founding member of the Organic Produce Wholesalers' Coalition (OPWC), which works to positively influ-



Amanda Love

ence the National Organic Standards Board as well as legislation and issues that impact small farmers.

Amanda Love has joined Cornucopia's official policy advisory panel after serving four years as a board member. Also known as "The Barefoot Cook," Amanda is a natural foods chef, nutrition educator, and certified Healing Food Specialist who lives in Austin, Texas, where she

teaches cooking classes and workshops. The Cornucopia board and staff wish to thank Amanda for her excellent service and leadership as a board member. We are pleased she



Cameron Molberg

will remain with Cornucopia as a trusted advisor.

Also hailing from Austin, Texas, Cameron Molberg has become the seventh member of Cornucopia's policy advisory panel. A former restaurant owner, Cameron is the general manager of Coyote Creek Farm, the first organic feed mill in Texas. See the profile of Cameron on page 11.

LAWSUIT

Continued from page 1

a far cry from the commonly understood meaning of the term "sunset."

"We have entered the land of the midnight sun under this new process," notes Cornucopia's Codirector Mark Kastel.

"Many of these materials will never come off the National List, and there really is no longer any incentive for innovation to develop alternatives," says Kastel. "This dramatic policy change should have been debated by the organic community and its stakeholders, not simply announced and put in place with an arbitrary policy directive."

The 15 stakeholders who filed the lawsuit released a joint statement that said, in part: "The complaint challenges the unilateral agency action on the sunset procedure for synthetic materials review, which represents a

Under the new sunset procedure, materials remain on the National List unless a super-majority of the NOSB votes to remove them — a far cry from the commonly understood meaning of "sunset."

dramatic departure from the organic community's commitment to an open and fair decision making process, subject to public input. Legally, the agency's decision represents a rule change and therefore must be subject to (formal) public comment."

The Cornucopia Institute has procured the services of the Center for Public Representation, based at Georgetown University, as legal counsel. Along with the Center's lawyers, we are investigating a series of other lawsuits focused on violations of federal organic law and regulations involving the USDA and the NOP.

The Plaintiffs

The 15 plaintiffs in the case are represented by counsel from the Center for Food Safety. They are:

The Cornucopia Institute
Beyond Pesticides
Center for Food Safety
Equal Exchange
Food and Water Watch
Frey Vineyards
La Montanita Co-op
Maine Organic Farmers and Gardeners Association
New Natives
Northeast Organic Dairy Producers Alliance
Northeast Organic Farmers Association Massachusetts
Ohio Ecological Food and Farm Association
Organic Consumers Association
Organic Seed Growers and Trade Association
PCC Natural Markets



THE CORNUCOPIA FARMER PROFILE

Lone Star Organic All-Stars

BY ELIZABETH WOLF

You are what your animal eats,” says Cameron Molberg, general manager of Coyote Creek Farm, a certified organic livestock producer and the first commercial organic feed mill in Texas.

“It’s shocking what’s in conventional feed,” Cameron continues, citing the pesticides, herbicides, hormones, antibiotics, and GMOs the stuff is riddled with. “At Coyote Creek, we’re producing a feed product for the Olympic athlete of livestock. You don’t feed an Olympian candy bars and junk food.”

The livestock all-stars for which the mill produces custom feeds include everything from dairy cows and turkeys to poultry, sheep, goats, rabbits — even crickets (a protein source in many countries and, increasingly, for Paleo eaters in the U.S.). Backyard chicken enthusiasts are another burgeoning market for Coyote Creek. “Customers will pay \$15 to \$20 to ship a single bag of feed,” Cameron notes. “People are trying to incorporate organic production practices on even a micro scale.”

Coyote Creek Farm is the legacy of one Jeremiah Cunningham, whose cancer diagnosis sparked a passion for soil fertility, healthy food, and restoring the family farm community. Jerry purchased the ranch in 1997 and by 2005 had organic certification.

One day he got a call from an old friend in Austin — none other than John Mackey, CEO of Whole Foods. Would Jerry raise more chickens to produce “pastured organic” eggs for Whole Foods? In reply, Jeremiah Cunningham’s “World’s Best Eggs” launched in 2005. Today, the brand (rated the highest possible rank on Cornucopia’s Scorecard) sells over 2 million eggs each year.

With not a single organic feed mill in the region at the time, Jerry was forced to source organic poultry feed from the Midwest, 900 miles away. This was an expensive and unreliable solution. To ensure the security and high quality of his egg farm, Jerry launched his own modest mill in 2007. He soon found there was a hungry, untapped market for organic feed across the South; quickly he expanded and commercially licensed the mill.

From the early days, when the mill sold to 10 to 15



Cameron Molberg manages Coyote Creek Farm, located just east of Austin. It is the only source of organic feed between Texas and North Carolina.

family farms, it’s grown to do business with about 200 small-scale and direct-market family farmers. Consumer appetite for local and organic food in the area remains keen. “In the five years I’ve been at the farm,” Cameron says, “the number of farmers markets in Austin alone has tripled. People want a good product and they want an honest product.”

The mill customers who really “get it,” says Cameron, are the farmers who previously were forced either to buy conventional feed or not produce at all. The mill has bolstered not only their livelihood but their peace of mind.

On the supply side, area grain producers have been empowered to grow organically, knowing they have a ready market for their crops.

Cameron’s former professors at Texas Tech University could learn a thing or two from the revitalizing example of Coyote Creek Farm. They snickered at the mere mention of “organic” when Cameron studied conventional animal science and institutional management there. But tours of meat-packing plants, coupled with memories of his grandparents’ bountiful, chem-free garden, which fed a family of seven, ultimately steered Cameron onto an organic path.

After opening two sustainably sourced restaurants in Austin with friends, Cameron was hired as general manager at Coyote Creek. He worked alongside Jeremiah Cunningham until the founder’s passing in 2013.

“Every small town used to have a feed mill in it,” Cameron explains. The supply chain depended upon it. But the USDA’s “get big or get out” edict shut most of them down. Opportunities in rural America withered.

“Jerry had a vision and we’re trying to realize it as much as possible,” says Cameron. “We’re going to keep pushing forward to increase localized production and get farmers back on the ground, producing what they want to produce.”

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I N S T I T U T E

No Organic Check-Off!



The Organic Trade Association (OTA) is pushing a proposed USDA-sanctioned “check-off,” or tax on organic farmers and processors, to pay for research and promotion activities. But a growing number of organic farmers and organizations OTA works with are opposing the check-off scheme. Many of these same farmers have a bitter taste in their mouths from similar check-off taxes they experienced in conventional agriculture. Visit www.noorganiccheckoff.com to learn why opposition to this OTA scheme is mounting.

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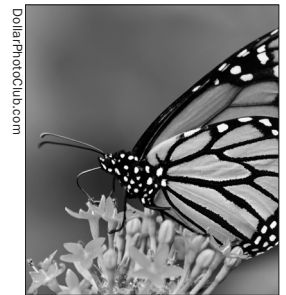
Study: Neonics Harm Monarchs

According to USDA research published this spring, the neonicotinoid insecticide clothianidin is a likely contributor to monarch butterfly declines in North America. Neonicotinoids are the most widely used pesticides in the world. Their soluble molecules are capable of making their way into nectar and pollen from soil or seed treatments.

Experiments by USDA researchers showed that clothianidin can impact monarch caterpillar size, weight and survival at doses as low as 1 part per billion (ppb). The lethal concentration was found to be 15 ppb. Though the caterpillars were exposed to clothianidin-treated food for only 36 hours, the researchers noted that in agricultural environments caterpillar exposure would likely be greater and include other pesticides, including other neonicotinoids. Samples of milkweed plants from corn-growing areas in South Dakota contained on average over 1 ppb clothianidin.

While neonics have been implicated in honey bee decline, the new report is the first to link the pesticides to monarch butterfly survival and reproduction. Cornucopia Farm and Food Policy Analyst Jérôme Rigot, PhD, noted that “although the lethal concentration of 15 ppb is a very low level, the implications are that much lower levels of neonicotinoids, as well as synergistic effects with other pesticides, would significantly and negatively affect caterpillars’ health.”

Neonicotinoid pesticides, which are neurotoxins, are partially banned in the European Union.



Monarch populations have declined 80% over the past 20 years.

—MELODY MORRELL