

Organics

U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Telephone (202) 720-3631 Fax (202) 720-5437

FAX COVER SHEET

DATE: 5/8NUMBER OF PAGES 2, INCLUDING COVER SHEETPLEASE DELIVER TO: Tom FreedomFAX NUMBER: () 67431 PHONE NUMBER: ()

- FROM:
- ☐ DAN GLICKMAN, SECRETARY
 - ☐ JOHN GIBSON, SPECIAL ASSISTANT
 - ☐ GREG FRAZIER, CHIEF OF STAFF
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 - ☐ JANET POTTS, COUNSEL TO THE SECRETARY
 - ☐ JOHN SPARKS, SPECIAL ASSISTANT FOR CIVIL RIGHTS

MESSAGE: Wire Stories on Organics
announcement. Thank-You for
your help with this.
Patricia Steel

(209)
USDA bows to public opinion on organic standards rule

WASHINGTON, May. 8 (Reuters) - In a bow to an impressive outpouring of public opinion, the U.S. Agriculture Department said Thursday that it will not allow food products made from genetically-modified crops or treated with irradiation to be labeled "organic."

"If organic farmers and consumers reject our national standards we have failed," U.S. Agriculture Secretary Dan Glickman said in a prepared statement explaining the department's decision. Crops grown in biosolids, or sludge, will also not be allowed to carry the organic label.

Since the agriculture department released its organic standards proposal in December it has received a record 200,000 public comments - most of them opposed to including products of biotechnology, the use of food irradiation and the application of biosolids in organic food production.

Those practices are "safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet consumer expectations about organics, as the comments made clear," Glickman said. "USDA is committed to developing national organic standards that organic farmers and consumers will embrace."

USDA will wade through the 200,000 public comments before publishing a revised organic standard proposal later this year. Once again, that proposal - which Glickman said will contain fundamental changes from the first draft - will be subject to public comment.

"This additional opportunity... will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," Glickman said.

((Doug Palmer, Washington newsroom + 1 202 898 8341 fax + 1 202 898 8383, washington.commodsenenergy.newsroom@reuters.com))

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U.S. authorities set strict standards on organic foods

WASHINGTON (AP) In a major victory for America's organic foods proponents, Agriculture Secretary Dan Glickman today announced that national organic standards will not permit irradiation, genetic engineering or use of sewage sludge as fertilizer.

The department received more than 200,000 comments from the public since December about the proposed standards. The overwhelming majority opposed the three controversial items. "They neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," Glickman said.

When the Agriculture Department proposed the first-ever national standards for organic foods, it took no official position on the so-called "Big Three" provisions. Instead, Glickman wanted to hear from the public about them.

Pro-organic forces marshaled a fax, letter and e-mail campaign to ensure the measures were not included in the final rule.

The organic industry is growing 20 percent a year as many consumers look for alternatives to conventional agriculture, with its pesticides and factory livestock farms. Many organic farmers feared the initial USDA rule would dilute their strict standards by permitting more conventional practices to be labeled "organic."

"Our task is to stimulate growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," he said.

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MESSAGE: This is for, deliver H2 afternoon.



THE SECRETARY OF AGRICULTURE
WASHINGTON, D.C.
20250-0100

MEMORANDUM TO BRUCE REED AND GENE SPERLING

From: Secretary Dan Glickman

Subject: National Organic Standards Regulation

Over the past few months, the Department of Agriculture (USDA) has received extensive criticism in the national media regarding USDA's proposed rule establishing a national organic food standard, several examples of which I am attaching for your review. There is also a widespread national grassroots campaign against the proposed rule which has generated over 130,000 comments to date, nearly all of which are negative. The public comment generated by this rule has exceeded any that USDA has received on any rule for decades. There has also been significant bipartisan congressional concern raised about this proposal.

With 44 different State and private standards in place, the organic industry wants to establish a uniform national standard to ensure consistency as well as to promote international trade in organic food products. In 1990, Congress passed the Organic Food Production Act (OFPA), which requires the Department of Agriculture (USDA) to establish a national standard defining the use of the term organic on food products.

USDA began the process of drafting rules and held extensive consultations regarding the content of the proposed national organic standard with the National Organic Standards Board, an advisory committee comprised of representatives of organic producers, processors, and consumers. On December 16, 1997, USDA published a proposed regulation to establish a national organic standard.

Much of the criticism is focused on the fact that the proposal does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in organic production. While these three issues have received the bulk of the attention, a number of other substantive concerns with the proposal have been raised, such as the use of antibiotics in livestock. Another fundamental issue to be resolved is whether the final rule should be a highly detailed, prescriptive regulation, which the organic industry seems to support strongly, or whether it should merely provide flexible performance standards along the lines of the proposed rule, which the Office of Management and Budget has in general advocated.

In essence, the organic industry views the proposal as weakening or undermining existing standards in a way that threatens the meaning of the organic label, thereby endangering the viability of organic production and the profitability of their markets. Perhaps even more significant, however, is that the organic community also views the proposal as a breach of trust

by USDA and the Administration.

The comment period closes on April 30, 1998. In response to the requests of commenters, USDA intends to develop a new proposed rule for public comment. The process of evaluating the public comments and then redrafting and obtaining clearance of the entire regulation is likely to take several months.

I have publicly stated on many occasions that our organic standards will reflect changes based on public comment and that USDA's goal is to issue a final rule that organic growers and consumers will embrace. However, I am convinced that USDA needs to send a clear, specific message to the public and the organic community that we intend to make fundamental changes in the proposed rule, and I believe we need to send this message soon. To do otherwise risks further erosion of public confidence in the responsiveness and good faith of the Administration's efforts during the lengthy process of developing a new proposal.

I intend to issue the attached press release the week of May 4, 1998. My office has submitted the release for interagency clearance, and it is quite possible that there will be issues that may require the careful attention of the Administration.

I will call you soon to discuss this issue, and I will keep you posted on our progress.

cc: Jack Lew
Sylvia Matthews
Larry Stein

Attachments

Organic is as organic says

Now that organic farming has mushroomed from a hippy-dippy diversion into a giant industry with annual sales exceeding \$4 billion, conventional food processors also want a slice of the market. They should be welcome to it—but not at the cost of diluting proposed government guidelines defining the term “organic” and its legitimate use on foodstuffs.

Organic food regulations were first proposed by the industry itself in 1986. Four years later, Congress passed the Organic Foods Production Act, which in turn created the National Organic Standards Board (NOSB) and assigned to it the task of drawing up guidelines to govern the production, handling and marketing of organic foods.

It's an important mission: As the market has grown, so has the promiscuous use of “natural,” “organic” and other New Age mumbo-jumbo and advertising gimmicks. Even the most discerning consumers are baffled, a situation complicated by conflicting standards and definitions established by different states and local organizations.

Meanwhile, the organic market is growing like kudzu. For the past seven years it has posted sales growth of 20 percent or greater, according to the Organic Trade Association. Clear, nationally recognized standards are essential for domestic consumers as well as the export market, particularly since the European Union adopted its own organic food guide-

lines in 1992.

In 1995, the NOSB proposed a set of definitions and standards. But late last year—under pressure from conventional food processors and agricultural interests—the U.S. Department of Agriculture proposed considerably looser regulations.

Consumers have until April 30 to comment on the revised guidelines; they should urge the USDA to stick with the previous, more stringent, rules.

The disagreements generally revolve around the use of genetically engineered hormones and other organisms, food irradiation, municipal sewer sludge for fertilizer and synthetic antibiotics in farm animals. The NOSB banned them; the USDA proposes to allow them.

Consumer safety is not the main point here. There is, for example, no scientific evidence that irradiated food is harmful or unsafe. But is it “organic”?

What's at stake instead is the integrity of a set of regulations drawn up by experts and representatives of the organic food industry after lengthy discussion. It's most unusual, in fact, for an industry to impose such stringent standards upon itself.

If the term “organic” is to mean anything at the supermarket to the rapidly growing number of consumers, the USDA should abide by the recommendations of a board of experts that was, after all, created by the federal government.

last part
of

In the preamble to its proposal, USDA had requested comments on these products and practices because of their possible safety benefits and consistency with Admin. policy.



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MESSAGE: Having Fun Yet?

"Therefore, these products and practices will not be included in our revised proposal and food produced with these products and practices will not be allowed to bear the organic label."

We will not include survey in preamble since it is irrelevant to the purposes of the rulemaking and infuses safety issues into a marketing rule.

THE WHITE HOUSE
WASHINGTON

May 6, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: ELENA KAGAN
SALLY KATZEN

SUBJECT: USDA's Proposed Organic Rule

In 1990, Congress passed the Organic Food Production Act, which required the Department of Agriculture (USDA) to establish a government certification program and national standard defining the use of the term "organic" for use on food products. The legislation was strongly supported by the organic industry which sought to involve the federal government in creating a unified organic standard, rather than the myriad of private and state-endorsed definitions.

In December 1997, USDA published a proposed regulation to establish a national organic standard. It has been the USDA position that the standard is solely a marketing description. The Secretary has emphasized that the organic designation is not intended to convey information about the safety, nutritional value, or environmental benefits of organic products and practices. In some tension with this approach, the Administration has long promoted food safety and there is a serious question whether an organic label will be construed as an indication of the improved safety of the product.

Since the publication of the proposed rule, it has been the subject of extensive criticism. USDA has received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking. The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. Finally, 47 members of the House and 31 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule. The primary complaint has been that the proposed rule does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." In the preamble to its proposal, USDA had requested comments on these products and practices because of their possible safety benefits and consistency with Administration policy.

Current Status

Secretary Glickman plans to issue a press release this Friday, (attached), indicating that USDA will repropose the rule and "make fundamental changes in the new proposed rule on organic standards." Specifically, the statement would indicate that biotechnology, irradiation, and biosolids "will not be included in our revised proposal, and food produced with these products and practices will not be allowed to bear the organic label." Articles last week in USA

TODAY and the Washington Post have indicated that USDA is preparing such a statement.

Representatives of OMB (Don Arbuckle), NEC (Sally Katzen), and DPC (Elena Kagan) have been concerned about USDA's approach to this issue. OMB has argued that consumers will likely view a product labeled as organic as safe, even though there is no evidence to demonstrate that organic food is any safer than non-organic food, or that genetically modified, irradiated, or food grown using sludge is unsafe. To the extent that consumers read an organic label as demonstrating safety, they may be misled. OMB points out that organic material might be even worse than non-organic food in terms of some microbiological hazards. Organic foods fertilized with manure have been and may in the future be linked to illnesses such as occurred in the Odwalla juice outbreak. By contrast, foods using the three disputed techniques (e.g., irradiation) may have actual safety benefits. OMB and NEC therefore have suggested that USDA consider modifying the organic label to include a provision stating something along the lines of "organic food may be no more or less safe than non-organic food" or that USDA continue its comment review process and not prematurely prohibit using the term organic for food using any of the three disputed techniques.

USDA felt strongly that the label should not be modified and that a statement announcing a reproposal needs to be made promptly. USDA states that the organic label is not intended to signify the overall safety of the food, only the methods by which the food was produced, and that it will not advertise the label as having anything to do with safety. USDA notes that the disputed techniques are clearly not in keeping with the public's expectation of what constitutes organic. The Food and Drug Administration has expressed general support for USDA's position.

Recommendation

We recognize the need for USDA to clarify its position on organics, and recommend that Secretary Glickman issue a statement indicating that biotechnology, irradiation, and sludge will not be part of the revised proposal. We are still discussing with Secretary Glickman's office the precise language of this statement, but think we can work out this issue. In addition, after discussions with OMB, OSTP, FDA and USDA we have agreed upon two additional measures that could ameliorate some concerns over safety. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard.

USDA To Make Fundamental Changes in Revised Proposed Rule On Organic Standards

Washington, May X, 1998 -- Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the 200,000 comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue revised proposed standards, and we intend to do so. Most importantly, the revised proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices will not be included in our revised proposal, and food produced with these products and practices will not be allowed to bear the organic label."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

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Organic
Draft

05-06-98 12:29PM

FROM COMM. INFO MGMT STAFF

TO 2600116

P002/005



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 30 1998

OFFICE OF
WATER

Ms. Eileen S. Stommes
Deputy Administrator
USDA-AMS-TM-NOP
DOCKET # TMD 94-00-2
Room 4007-S, Ag Stop 0275
P.O. Box 96456
Washington, DC 20090-6456

Dear Ms. Stommes:

The Office of Water, U.S. Environmental Protection Agency (EPA), offers the following comments on the proposed U.S. Department of Agriculture (USDA) National Organic Standards (NOS) rule. Our review of the proposed NOS rule has made us more aware of the enormous difficulties that USDA has faced in developing and proposing this rule. In undertaking this task, USDA has attempted to support the recommendations of its National Organic Standards Board from a marketing perspective.

Our comments and concerns can broadly be placed into two categories. First, *the Agency strongly recommends that this draft rule be subjected to peer review followed by a careful risk assessment as a basis for any final rule.* Because this was proposed as a marketing rule, science and risk assessment were not considerations in the determination of which materials are acceptable for the production of "organically grown" foods. In our comments below, we have identified that health problems can result because of the lack of a scientific and risk assessment basis.

Your proposed rule asked for comments about the advisability of including biosolids as a suitable material for producing food labeled as "organically grown." Even though such practice would be safe, your National Organic Standards Board and many members of the public would prefer to exclude biosolids. For these and a variety of other reasons (see below), *our second recommendation is that biosolids not be included in the NOS rule at this time.*

The following additional enumerated comments should help to further clarify the basis for our concerns and recommendations:

- 1) A risk assessment is needed because very little risk assessment, if any, has been performed on animal manures and other materials that would be permitted by this rule to evaluate how they can be recycled without harm to public health and the environment.

05-06-98 12:29PM FROM COMM INFO MGMT STAFF TO 2600116

P003/005

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An extensive risk assessment process, as well as a series of peer reviews, led to the development of EPA's 40 CFR Part 503 biosolids rule. This rule protects public health and the environment when biosolids are used as fertilizer or disposed. This rule has greatly benefited from the risk assessment and peer review approach. Experts from USDA and universities assisted EPA in the implementation of this approach for the development of the Part 503 rule.

- 2) *There are documented risks to public health from pathogens in animal manures. Illnesses, and even a small number of deaths have resulted from the use of raw animal manures (Enclosure 1).*

Promulgating the NOS rule as proposed may cause certain health problems. This is because there appears to be no scientific basis to indicate that a minimum 60-day waiting period (between the time of land application of raw animal manures and the time that crops are harvested for human consumption) is adequate to protect public health. Specifically, time and possibly other treatment is necessary to avoid contamination of edible crops with viable pathogens.

As a comparison, the Part 503 standards governing the use of biosolids require as long as a 18-month waiting period between the time of land applying biosolids that have been treated to significantly reduce pathogen levels and the time of harvesting food crops that have their harvested parts below the land surface.

There are also no time-temperature standards given in the proposed NOS rule for composting animal manures to assure that the final composted product no longer contains pathogens.

Again as a comparison, the Part 503 standards governing the processing and use of biosolids require a minimum 3-day time period at 55°C for in vessel-configured composting of biosolids and a 15-day time period at 55°C with the composting biosolids turned a minimum of five times when the composting is performed in a windrow configuration.

In addition, the Part 503 standards for composted biosolids, which have met either of the above specified time-temperature requirements, require that specified tests be conducted just prior to use of the compost showing the absence of *Salmonella* sp. or that a standard for fecal coliform bacteria has been met, (i.e., the density of *Salmonella* sp. must be less than three most probable number [MPN] per four grams of total solids or the density of fecal coliform must be less than 1,000 MPN per gram of total solids [both on a dry weight basis]).

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P004/005

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- 3) The proposed NOS rule also does not address potential problems from certain heavy metals and toxic organic substances that may be present in animal manures and other materials that would be permitted for use by the proposed rule. The proposed rule gives no indication of the potential levels of these substances in the materials nor any assessment of risk that these substances might pose to human health and the environment via foods produced or from other pathways. For example, elevated levels of metals are known to occur in some animal manures, (e.g., they are deliberately placed in the diets of some animals).
- 4) The proposed NOS rule also does not address the issue of nutrient management. In many instances, the application of nutrients in animal manures is uncontrolled and over application has resulted in pollution of ground and surface waters with potential health and environmental consequences.
- 5) For these reasons, the need for managing the pathogens, pollutants and nutrients in animal manures and other substances that would be permitted for fertilizing "organically grown" foods should be evaluated by careful risk assessment. Both the President's Food Safety Initiative and the Vice President's Clean Water Action Plan for Restoring and Protecting America's Waters (in which USDA and EPA are partners) address these management issues.
- 6) Many of the public have just not yet reached a position where they feel right about accepting the use of biosolids added to soils for producing "organically grown" foods. This is in spite of fact that years of extensive research and experience have carefully documented that the use of biosolids for the production of foods is wholesome and safe. The safety of biosolids recycling has been repeatedly documented by years of study and experience with biosolids recycled in accordance with the Part 503 rule and its predecessor rules and guidance. There are three Federal policy statements, two of which have USDA as a signatory, that support safety and efficacy for using biosolids for the production of foods (Enclosures 2-4).

➤ Hence, EPA prefers that biosolids not even be included in the NOS, especially if the final NOS is not risk-based.

➤ Any decision to disallow the use of biosolids should not be justified based upon the assumption that using biosolids is detrimental to the quality of soils or foods that may be grown. The principle of the safety of biosolids recycling in accordance with applicable rules has been articulated in the previously referenced EPA, USDA, and Food and Drug Administration (FDA) policy statements as well as in a National Research Council review of the Part 503 rule and Risk assessment process.

I understand that members of EPA, USDA and OMB staff have discussed drafts of this rule before it was proposed as well as drafts of these comments which I am sending to you today

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By these discussions, we have learned of a number of major initiatives that are being examined and potentially undertaken within USDA and EPA to gain the knowledge necessary for beginning to manage the enormous amount of animal manures and food processing by-products in a manner that is safe, including their use in the production of organically grown food crops. I know that USDA-Agricultural Research Service (ARS) and USDA Agricultural Marketing Service (AMS) scientists have met to discuss how each of a number of your laboratories can work cooperatively to develop needed basic information and methods for assuring safely-produced foods grown in soils amended with animal manures. My office and USDA-ARS will be jointly sponsoring a workshop to determine the state of knowledge about newly emerging pathogen issues associated the animal manures, biosolids, food processing by-products, and other similar materials. We have also been working with ARS to develop a guidance document for the safe field storage of by-products like biosolids and to some extent animal manures.

In the letter I sent to Richard Rominger prior to the proposal of this rule, I indicated that the risk assessment effort that led to the development of the Part 503 biosolids rule may be useful in developing suitable guidance for the safe management and use of animal manures to produce foods. Members of our staff would be willing to work with experts at USDA in helping to conduct a risk assessment and/or peer review that your office might perform on animal manures as a method to develop safe procedures for management of these animal manures and food processing by-products (Enclosure 5).

We would be happy to meet with you, members of the National Organic Standards Board, and/members of your staff to further clarify the points made in this letter. Please feel free to contact me at 202-260-5700 or any of the following members of my staff:

- Dr. John Walker, the leader of our Agency Biosolids Program Implementation Team, at 202-260-7283.
- Dr. Alan B. Rubin, who was responsible for the development of the Part 503 Biosolids Rule and Risk Assessment, at 202-260-7580.
- Jeff Lape in the Office of Wastewater Management with regard to permitting strategies for Concentrated Animal Feeding Operations (CAFOs), at 202-260-6057, or
- Eric Strassler in our Office of Science and Technology with regard to effluent guidelines for CAFOs, at 202-260-7150.

Sincerely,



Robert Perciasepe
Assistant Administrator

Enclosures



Executive Office of the President of the United States
Office of Management and Budget
Office of Information and Regulatory Affairs
Commerce & Lands Branch
New Executive Office Building
Rm. 10202
Washington, D.C. 20503
(202) 395-7340

FAX TRANSMITTAL

FAX: (202) 395-7285

DATE: 5-7-98

TO: TOM FREEDMAN

FROM: LISA GROVE

Total number of pages (Including Transmittal Sheet):

5

Recipient's Fax Number:

X 67431

Recipient's Telephone Number:

X 62216

Comments:

FYI
Comments from EPA ON
ORGANIC (BIOSOLIDS
AND RISK FROM MANURE
USE)

DRAFT (11:00 am)

Sally's additions are in bold.

May 6, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: ELENA KAGAN
SALLY KATZEN

SUBJECT: USDA's Proposed Organic Rule

In 1990, Congress passed the Organic Food Production Act which required the Department of Agriculture (USDA) to establish a national standard defining the use of the term "organic" for use on food products. The legislation was strongly supported by the organic industry which sought to involve the federal government in creating a unified organic standard, rather than the myriad of private and state-endorsed definitions.

In December 1997, USDA published a proposed regulation to establish a national organic standard. **It has been the USDA position that the standard is a marketing description of what is and is not organic. The Secretary has emphasized that the organic designation is not intended to convey information about the safety, nutritional value, or environmental benefits of organic products and practices. On the other hand, the Administration has long promoted food safety and some agencies have strong concerns that an organic label will inevitably be construed as an indication of the improved safety of the product.**

Since the publication of the proposed rule, it has been the subject of extensive criticism. The primary complaint has been that it does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." In the preamble to its proposal, USDA had requested comments as to whether foods using any of these techniques could be considered as organic. In response, USDA says it has received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking. The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. (Sample "Organic Hash From the USDA Kitchen"). Finally, 47 members of the House and 30 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule.

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Secretary Glickman plans to issue a press release this Friday, May 7th, (attached), indicating that USDA will repropose the rule and "make fundamental changes in the new proposed rule on organic standards." Specifically, the statement would indicate that biotechnology, irradiation, and biosolids are "being taken off the table and will not be included in our new proposal." Articles in the last week in USA TODAY, and the Washington Post have

indicated that USDA is preparing such a statement.

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Representatives of OMB and NEC have been concerned about USDA's plan to issue a statement taking these techniques "off the table." These agencies argue that consumers will likely view a product labeled as organic as safe, despite the fact that there is not evidence to demonstrate that organic food is any safer than non-organic food, or that genetically modified, irradiated, or food grown using sludge is unsafe. **To the extent that consumers read an organic label as demonstrating safety, they may be misled.** OMB points out that organic material might be even worse in terms of some microbiological hazards, ~~and supposedly organic~~ foods have been and may in the future be linked to illnesses such as occurred in the Odwalla juice outbreak. OMB notes the danger of contradiction in Administration policy in areas such as **genetically modified products** and biosolids (sludge) in which the Administration is on record supporting the safety of the practice. OMB suggested that USDA consider modifying the organic label to include a provision stating something along the lines of "organic food may be no more or less safe than non-organic food" or that USDA continue its comment review process and not prematurely prohibit using the term organic for food using any of the three disputed techniques.

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Recommendation

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We recognize the need for USDA to clarify its position on organics, and recommend that Secretary Glickman issue a statement indicating that biotechnology, irradiation, and sludge will not be part of the revised proposal. We suggest USDA not include the phrase "taken off the table," however, which may imply they could never be considered. **In its place we suggest the phrase "we will be clear that the term 'organic' is not intended to encompass these products and practices."** In addition, after discussions with OMB, OSTP, NEC, FDA and USDA we have agreed upon two additional measures that could ameliorate some concerns over safety. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard.

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Organics

DRAFT (11:37 am)

~~Sally called with further additions, all her additions are in bold~~

May 6, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: ELENA KAGAN
SALLY KATZEN

SUBJECT: USDA's Proposed Organic Rule

In 1990, Congress passed the Organic Food Production Act, which required the Department of Agriculture (USDA) to establish a **government certification program** and national standard defining the use of the term "organic" for use on food products. The legislation was strongly supported by the organic industry which sought to involve the federal government in creating a unified organic standard, rather than the myriad of private and state-endorsed definitions.

SECRET [In December 1997, USDA published a proposed regulation to establish a national organic standard. ^{*solely*} ~~It has been the USDA position that the standard is a marketing description of what is and is not organic.~~ ^{*of course, in some tension with this approach,*} The Secretary has emphasized that the organic designation is not intended to convey information about the safety, nutritional value, or environmental benefits of organic products and practices. ~~On the other hand, the Administration has long promoted food safety, and some agencies have strong concerns that an organic label will inevitably be construed as an indication of the improved safety of the product.~~]

Since the publication of the proposed rule, it has been the subject of extensive criticism. **USDA has received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking.** The primary complaint has been that the proposed rule does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." ^{*pre-empt*} ~~In the preamble to its proposal, USDA had requested comments as to whether foods using any of these techniques could be considered as organic. It requested comments on these products and practices because of possible safety benefits and consistency with Administration policy, not because they were thought to be within the definition of organic, which they are not.~~ ^{*given their*} The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. ~~(Sample Organic Hash From the USDA Kitchen)~~ Finally, 47 members of the House and 30 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule.]

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and DPC (Elena Kagan)

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Recommendation

We recognize the need for USDA to clarify its position on organics, and recommend that Secretary Glickman issue a statement indicating that biotechnology, irradiation, and sludge will not be part of the revised proposal. We suggest USDA not include the phrase "taken off the table," however, which may imply they could never be considered. ~~In its place we suggest the phrase "we will be clear that the term 'organic' is not intended to encompass these products and practices."~~ In addition, after discussions with OMB, OSTP, ~~NEC~~ FDA and USDA we have agreed upon two additional measures that could ameliorate some concerns over safety. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard.

We ~~are~~ are still discussing with Secretary Glickman's office the precise language of this statement, but think we can work out this issue.

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"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue revised proposed standards, and we intend to do so. Most importantly, the revised proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices will not be included in our revised proposal, and food produced with these products and practices will not be allowed to bear the organic label."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

Organic

THE WHITE HOUSE
WASHINGTON

May 6, 1998

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In 1990, Congress passed the Organic Food Production Act, which required the Department of Agriculture (USDA) to establish a government certification program and national standard defining the use of the term "organic" for use on food products. The legislation was strongly supported by the organic industry which sought to involve the federal government in creating a unified organic standard, rather than the myriad of private and state-endorsed definitions.

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U.S. DEPARTMENT OF AGRICULTURE

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 - ☐ KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
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 - ☐ JOHN SPARKS, SPECIAL ASSISTANT FOR CIVIL RIGHTS

MESSAGE:

Clips on Organics + Info
The Packer is a trade press. Comment
Period Closes April 30. We want to
quickly make clear intent to get this
rule right.

Release No. 0063.98

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GLICKMAN EXTENDS COMMENT PERIOD, ENCOURAGES PUBLIC PARTICIPATION IN ORGANIC STANDARDS RULEMAKING

WASHINGTON, Feb. 6, 1998—Agriculture Secretary Dan Glickman today extended for an additional 45 days the public comment period for USDA's proposed regulation establishing national organic standards. Glickman strongly encouraged the public to participate in the rulemaking process and submit comments during this extended period. Glickman also committed the Department to provide the opportunity for additional participation after all comments are reviewed.

"USDA takes the public's role in rulemaking very seriously," said Glickman. "We have already received over 4,000 comments on the proposed rule, including many requests for an extension of the comment period. Given the complexity and importance of the organic standard proposal, we are extending the comment period to provide an opportunity for even greater public participation."

In a notice to be published in the Federal Register on February 9, 1998, the comment period will be extended for 45 days and will now close on April 30, 1998. "This extension is part of USDA's continuing effort to ensure an open process and is an example of how USDA is responsive to public input into the rulemaking," Glickman said.

Regarding some of the concerns that have been raised about the proposed rule, Glickman added, "I want to emphasize that this is only a proposal. This is not the final rule and should not be read to reflect how USDA will finally resolve the many difficult issues involved."

"We want everyone to participate fully in this process and to give us their thoughts and recommendations for making improvements in the proposal," Glickman said. "Our goal is to develop a final rule that the organic community and all the public can embrace."

Glickman also noted that the Department is not proposing to allow the use of genetically engineered organisms, irradiation, or bio-solids. Instead, the proposal simply asks for comment on whether they should be included or not under the organic standards.

-more-

Revisiting the Rules on Organic Food (128)

In mid-December, the Department of Agriculture published its National Organic Program regulations, a set of proposed rules for production of organic food that would be the basis for a national organic certification program. The department also invited public comment until April 30. Reaction has been sharply critical, particularly from those most directly affected, like organic growers, organic processors and consumers who prefer organic food.

For decades, organic growers have endured virtual neglect by the Agriculture Department. That pattern remains unchanged. The new rules make it plain that the department listened harder to the voice of agribusiness, which has always derided organic agriculture, than it did to the people who have proved its incontestable worth.

If the rules enter law as they stand now, it will be a major setback for the organic community. Growers who try to distinguish their organic products from products grown under a less stringent,

but nationally certified standard will be prevented from using the word "organic" — a word whose meaning has been defined by their practices. Consumers will find that "organic" has come to mean something quite different from what they thought. The rules allow practices that no one calls organic, including irradiation, the use of sewage sludge as fertilizer and genetically engineered crops.

There is nothing wrong with a national organic certification program. But with these rules, there is plenty wrong. Over the last 50 years, the Agriculture Department, in tandem with agribusiness, has been nudging American farmers toward a set of agricultural practices that are as uniform as the plants in a field of soybeans. But a cardinal tenet of organic farming is that diversity is as essential to biological health as it is to cultural health. If the organic rules are passed as they stand, organic farming will certainly go on, but under a different name and with renewed bitterness.

NY Times Editorial 4/13/98 A30

Irradiated, sure, but organic

Mpls Star Tribune Commentary
Proposed rules

*would have made
word meaningless*

By Ellen Goodman 4/24/98
Boston Globe (24) A13

BOSTON—This is not your everyday political event. How often does a grass-roots movement ask the government to regulate its own enterprise? When was the last time small operators rose up to bitterly complain that government rules and regulations weren't strict enough?

But this is the upside-down nature of a food fight that has erupted between the U.S. Department of Agriculture and the organic farming community.

Ever since December when the USDA released the first-ever proposals for minimum standards for organic foods, a full-scale debate has been raging about the meaning of the "O" word. Now, an astonishing 101,000 farmers and chefs, and consumers and environmentalists have developed an appetite for protest. In the face of an April 30 deadline for comments, they have registered deep disapproval of the agency's taste.

This story of "O" began, in the best biblical tradition, with an apple. In the alar scare of 1989-90, people became alarmed about chemicals. Suddenly, a bumper crop of apples appeared on the market bearing the label "organic."

Organic farming, which once exuded the aura of a hippie enterprise with lethargic and overpriced vegetables, was just becoming a full-fledged alternative. The apples of dubious "organic" origin convinced many in the disparate community that they needed a national standard to prevent fraud, and maintain consumer confidence.

These farmers were always wary of involving the USDA, an agency which, to put it gently, has been a bastion of conven-

tional farming and a buddy of agribusiness. But with the help of Vermont's Sen. Patrick Leahy, the Organic Foods Production Act was passed in 1990 to determine minimum standards. Farmers, consumers, scientists and environmentalists spent four years working out an agreement on the definition of organic.

Then the USDA stepped in, to fulfill their worst fears. In the tradition of the "fox guarding the henhouse," the agency proposed to lower these standards.

The USDA rules would, for example, allow lettuce fertilized with sewage sludge, genetically engineered pigs and irradiated radicchio to carry the label "organic." They would allow a chicken that had never seen the light of day, let alone a free range, to carry an "organic" tag.

These giant loopholes in the "O" are big enough to drive a truck through. "We'd have Tyson's Organic Chickens before you could blink an eye," says Margaret Mellon of the Union of Concerned Scientists. "It

would doom the word organic."

If the Department of Agriculture is surprised by the huge outrage, that in itself is not surprising. The department's bias toward conventional farming is long and deep. Organic farming is now a \$4 billion business growing by 20 percent a year. But its success is taken as a rebuke to the factory-farming, supermarket-to-the-world agribusiness that is now the rule.

It is widely believed that the folks marketing sludge, promoting genetic engineering or irradiation got the USDA's ear because they want to piggyback onto the good name of "organic" to mute controversies here and abroad.

We can debate the safety of genetic engineering till the cloned cows come home, but it fits no image of organic farming. This food fight is not just about safety of the product. It's about the process of farming.

As Kathleen Merrigan of the National Organic Standards Board puts it, "We want a label

that connects people to how their food is produced. We want to give people a way to be sure their food was produced by people who are walking lightly on the earth."

Americans have a nostalgic and primal relationship to the farm. But now agriculture, like so many other parts of the economy, is going in two directions.

The larger trend is to consolidate farmland as if it were a megabank. It's to industrialize farming, and mass produce identical products on a land factory. The sturdy but smaller trend is toward diversity, toward sustaining the land.

Today organic farms are not just food boutiques, trendy little supply centers for people who are willing to pay more for mesclun greens. They are the labs, the models, the alternatives.

The USDA has done little to promote organic farms. But if these proposals are put into law, organic will have lost any meaning. The "O" in the O-word will stand for Zero.



New York Times

Organic farmer George Bass, of Hubbardston, Mass., in the barn with his Rhode Island Red chickens.



CALIFORNIA FARM BUREAU FEDERATION

EXECUTIVE OFFICES

2300 RIVER PLAZA DRIVE SACRAMENTO, CA 95833-3239 • PHONE (916) 561-5520 • FAX (916) 561-5690

March 6, 1998

Eileen Strommer
Deputy Administrator
USDA-AMS-TM-NOP
P.O. Box 96456
Ag Stop 0275, Room 4007-So.
Washington, D.C. 20090-6456

Dear Ms. Strommer:

RE: Docket No. TMD-94-00-2

After two years of intense negotiations, the California Farm Bureau Federation supported the California Organic Foods Act of 1990. This stringent authority has created cohesiveness and uniformity in a very important segment of the state's agricultural industry. Since the passage of the Federal Organic Foods Production Act of 1990, the California organic industry has closely monitored and aided in the development of the National Organic Program (NOP).

When the National Organic Standards Board (NOSB) was established, USDA was clearly interested in developing an unique public/private partnership to use the existing organic industry expertise. The NOSB is to be commended for the dedication and energy it took to create their extensive set of proposed program recommendations and guidelines for the NOP.

Given what has been viewed as a successful relationship, it took the organic industry by surprise that many NOSB recommendations were not included in the proposed rules. As well, the industry is strongly opposed to a number of specific recommendations included in the proposed rules, despite the clear position in the NOSB standards guide that inclusion of these points would be "deal breakers."

After listening to the concerns voiced by our membership, the California Farm Bureau urges USDA to withdraw these proposed rules. We believe the proposed rules are less restrictive than our current state program. Anything less than our current state standards could have serious repercussions in the consumers' confidence that California's organic industry has been working very hard to achieve.

We urge USDA not to propose any NOP that would be less restrictive than California's current program. The successful growth of our state's organic industry is testimony to the value and integrity that consumers associate with organic food grown under California state requirements.

Thank you for the opportunity to express our concerns. Please contact me if you would like to discuss our concerns about the proposed rules further.

Sincerely,

Bill Pauli
President

cc: Secretary Ann Veneman, CDEA
Deputy Secretary Richard Rominger, USDA

TOTAL P.02

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The Packer

Page 8A

Feb 16, 1998

EDITORIALS

Bowing to pressure

More comment sought on organic rules

The U.S. Department of Agriculture's proposed rules for organic foods so far have drawn 6,000 public comments, many of them negative. In fact, the reaction has been so heavy that the agency has extended the comment period until the end of April. *Story, 3A*

The proposal, which will set national standards for organics and establish a regulatory framework, is in trouble. None of the organic organizations seems to like it. They are deeply troubled by the fact that the USDA, and specifically the Agricultural Marketing Service, wants to allow irradiation, genetically engineered plants and products, and municipal sewage sludge to be used in organic production.

Many in the organic community feel betrayed by this. They believe these processes and products are "foreign" to organic principles and will turn off consumers.

They may be right. While genetically engineered produce, and even irradiation, have become a part of the "conventional" food industry, the organic industry's whole reason for being has been based on low technology, environmental friendliness and an image of "purity" and simplicity. It doesn't take much imagination to understand consumers could be alienated if the "organic" produce has been grown with sewer residue, altered with "alien" genes and then zapped with radiation.

Some of these technologies will be a part of conventional agriculture. But the USDA ought to look closely at its organic proposals and modify them in light of strong opposition. Why approve final regulations that are unpopular with those being regulated?



BY CHRISTOPHER BING FOR THE WASHINGTON POST

Washington Post 3/22/98

WHAT'S IN A LABEL?

Organic Hash From The USDA Kitchen

By REED KARAIM

Imagine a chicken on its way to the kitchen table. It spent its life in a huge shed, one of hundreds of thousands of birds stacked in cages in windowless barns. It was fed grain grown on land fertilized with sewage from a nearby town. After slaughter, it was rolled on a conveyor belt past radioactive waste and "irradiated" to kill bacteria.

Now, you may or may not be bothered by these procedures—all of which are part of American agriculture and food manufacture. But would you label the chicken "organic"?

To the U.S. Department of Agriculture, it's an open question. After seven years of study, the department issued proposed rules recently to define what can be labeled "organic" among the fruits, vegetables, meat, poultry and even processed foods on supermarket shelves. Organic farmers, whose business is growing by 20 percent a year, had been awaiting rules they hoped would protect their industry. What they got were preliminary rulings with loopholes large enough to accommodate a factory farm, an irradiation plant and a biotech lab.

If you're like me, recently referred to by my fiancée as a junk-food-loving couch potato (I really believe she meant it affectionately), you've probably given only occasional consideration to organic food. Yet, like a growing number of my fellow shoppers, I sometimes worry about just what is in the plump chicken breasts and eerily tasteless tomatoes I toss into my shopping cart. With the choices that consumers face growing ever more complicated, the government's commitment to

See ORGANIC, C7, Col. 1

Reed Karaim is a freelance writer who has
RTTZ 6R6 70Z VVJ 0Z:ZT 88/22/98

...vice director of the Loka Institute in Amherst, Mass., a nonprofit organization dedicated to making science and technology responsive to social concerns.

will bring unprecedented prosperity and freedom. They can also threaten our civic values. What Thomas Jefferson called "cherished liberty" is not determined by our genes. It is determined by our eternal vigilance.

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The Word 'Organic' Has Not Clarified Food Labeling

ORGANIC, From C1

plain-spoken, accurate labeling is critical.

That's why USDA's organic rules are so troubling. Ignoring the recommendation of a board of farmers, environmentalists and consumers, the department left open the possibility that irradiation, sewage and even genetic engineering could be used on products labeled organic. In a final twist, the USDA included provisions that could block labels with specific claims such as "raised without synthetic chemicals" or "pesticide-free farm."

Hit by a storm of criticism since the rule was issued, Agriculture Secretary Dan Glickman has emphasized that the rules will be revised based on public response. "Our intention is to develop a final rule that meets the expectation of organic farmers and consumers," says Tom O'Brien, associate administrator of USDA's Agriculture Marketing Service.

As they stand now, however, the proposed standards represent something else: an Agriculture Department so entranced by conventional agribusiness that it could crush an alternative approach, making it difficult for consumers to make informed choices.

The story of organic farming is the story of a small, home-grown industry that existed for years below the radar of federal regulators and beyond the ideologies of the Farm Belt.

For more than 100 years, conventional agriculture was built on a determined faith in the virtues of technology and chemistry. A bigger combine, a better pesticide, a more judicious mix of fertilizer and hybrid plant seed could bring forth an ever more bounteous harvest. And it has led to supermarket shelves bulging with a cornucopia of every

kind of food at amazingly cheap prices. It has led to foods that are clean, attractive and present no immediate health risk.

It also has led to problems—soil erosion, ground-water pollution and crop disease. And while government researchers believe they pose no danger, debates still continue about chemical residues on fruits and vegetables and artificial growth hormones in meat.

In the 1960s and 70s, a small number of farmers began to resist the industrial model. The approach they turned to is both as old as human civilization and a product of today's heightened environmental awareness. As Frederick Kirschenmann, an organic farmer from Medina, N.D., explains, "You look at nature as being the production system and try to fit agriculture into that."

In practice, this means doing without chemical fertilizers and pesticides. It means depending on crop rotation and natural substances to control disease and pests. For livestock, it means avoiding artificial growth hormones or antibiotics and allowing animals access to open air and land.

The farmers who first adopted the organic method were frequently derided in rural America as muzzy-headed, pseudo-hippies. But as health-conscious Americans became increasingly suspicious of food additives and chemically intensive farming practices, the organic business won a following.

Nationally, it's about a \$4 billion a year industry," says Kathleen Merrigan, of the Henry Wallace Institute for Alternative Agri-

culture. That's only a small part of the total food business, but it has been growing rapidly enough to make cashing in on the trend a real temptation. Vermont, for example, had 17 certified organic farms in 1987 with a total of 138 acres in production. By 1997, the state had 170 certified farms with 13,900 acres in production. But with no national standard in place, false claims multiplied over the same period. "Organic" threatened to become as hip and meaningless a label as "healthy."

Then, in the late '80s, organic farmers asked Congress to write a law that would create a minimum national standard. It was an unusual event—a grass-roots movement seeking out government regulation. Merrigan, then on the staff of Sen. Patrick Leahy (D-VT), remembers the drafting process as a collaboration between lawmakers, consumers, environmentalists and organic farmers. "It was really democracy at its best," she said.

The law created a special board that was to establish a list of accepted substances for organic farming. The law's authors argue that it did not give the agriculture secretary authority to add items to the list.

The lawyers at USDA saw things differently. Glickman ignored the board's recommendations on several items, allowing substances that organic farmers consider "synthetic" (including two bioengineered products). He also made it easier for meat from animals treated with drugs to be sold as organic.

The net result, say those who followed the process from the beginning, has been to water down the standards so that conventional agribusiness could slap an organic label on some products with only minimal changes in the way it operates. "Our whole intent was to help," said Merrigan, "and if this is how it comes out, we won't have helped the indus-

try. We might have destroyed it."

There are those who see the fingerprints of agribusiness lobbyists and imagine quiet conspiracies to undo a small but growing industry before it becomes a real threat. In truth, the USDA—indeed the entire U.S. government—has such a vested interest in convincing you and the rest of the world that conventional farming is the best possible approach, that it's hard to see how things could have gone differently. Export sales depend on it. Consumer peace of mind depends on it. Organic farming is inevitably seen as an implicit criticism of that approach.

What's more, each of the controversial items that USDA allowed into the organic standards has its defenders. The biotech industry insists that genetically manipulated products are as natural as any. The food-processing industry and the Food and Drug Administration support the use of irradiation. (The government's concern about food safety, in general, is warranted. Recent episodes of tainted meat and unpasteurized apple juice left many sick and some dead.)

The Environmental Protection Agency likes the idea of sewage—they prefer the term "biosolids"—being recycled through agricultural use. Animal confinement and the use of hormones are supported by agribusiness and producer groups.

But there are opposing views. Irradiation, for example, does slightly change the color and taste of meat and is viewed as a food safety treatment of last resort by the Center for Science in the Public Interest. Environmental experts have raised concerns about heavy metals that may be present in sewage. Others believe the implications of introducing genetically engineered species into nature may take generations to determine.

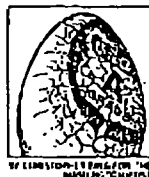
Organic farmers are not proposing that these practices be outlawed. They are only asking that their industry be allowed to remain free of them—at least for now.

The underlying notion is a respect for the complexity of nature, a belief that it's hard to assess all the risks that change can bring to an ecosystem. "Organic," said Kirschenmann, "has always operated on the old wisdom that it is better to be safe than sorry."

And, indeed, science has brought us wonderful things. But the history of scientific progress is full of false steps and hideous results, from DDT poisoning to thalidomide babies. Consumers may embrace the notion of better broccoli through chemistry, or they may decide to take a wait-and-see attitude. The question is not whether the practices of conventional agriculture are good for you or whether they are humane for animals. The question is whether we should have a choice.

We may buy white bread sold by Sweetheart and produce with an organic label. Some of us may decide we care enough about how animals are raised or how much chemicals seep into ground water to pay more for food that avoids these practices. Others may say the heck with it, and shop at a huge food warehouse looking for nothing but bargains.

But the question remains whether the USDA will give us enough information about those alternatives so we can make informed choices, or whether it will subvert anything that challenges the status quo. In its preliminary rule on organic farming, USDA has passed judgment on itself. The product it has delivered to American consumers is tainted.



Going Organic, Clumsily

NY Times 3/24/98

By Peter Hoffman A27

After more than five years of deliberations, the Agriculture Department has released its proposal on how to regulate the labeling of organic foods. Unfortunately, the plan will make it harder, not easier, for the consumer to distinguish between organic and conventionally produced food.

The producers of organic food have come a long way. Twenty years ago, organic foods meant gnarly apples and wormy turnips attractive only to live-off-the-land hippies and urban extremists. As an aspiring chef, I had little use for these forlorn and wilted vegetables. I prided myself on searching for the finest looking produce. How it was grown, what was sprayed on it and whether it was safe to eat were of little consequence. Without thinking much about it, I was of the "what you can't see won't hurt you" school of cooking.

Since then, my commitment to quality ingredients hasn't changed, but my definition of quality has. With the help of farmers' markets and local farms, consumers and chefs alike began over the years to discover food of a differ-

New food rules miss the mark.

ent order than what had been available through conventional markets. Here were vegetables with an unimagined flavor and freshness.

At the start, quantities were small, but in time they became plentiful enough to shift the taste and demands of consumers. There is no better example of this than the case of salad greens. New York has gone from a city of only iceberg and romaine to one where mesclun, a French mixture of varied baby lettuces, is available in virtually every corner grocery.

Peter Hoffman is the owner and chef of Savvy Restaurant and serves as a board member of Chef's Collaborative 2000, which promotes sustainable agriculture.

As the demand and volume for organic food increased, prices slowly came down and it began to compete with conventional foods. Large corporations like Dole saw that organics were more than just a niche market. In fact, the organic business has grown by 20 percent each year since 1990. Sales in 1996, the latest figures available, were \$3.5 billion.

With expansion of the market came confusion about terms. What do "natural," "free-range," "low-spray" and "organic" really mean? Thirty-five different certifying private organizations currently offer definitions.

To clear up the confusion, Congress passed the Organic Foods Production Act in 1990 to standardize the terms and practices for organic farming. Acknowledging the Agriculture Department's lack of experience and historical hostility toward nonconventional farmers, Congress established the National Organic Standards Board to advise the department in developing national regulations.

The challenge and complexity of defining organic soon became apparent. Organic food is not just about a product; it is a philosophy in which the process of production is as important as the final result. Organic growers rightly believe that a farm is a diverse ecosystem, that soil is a living organism to be nurtured and that farming practices need to be concerned about the long-term health of workers, consumers, the surrounding water supply and the

animals living within the habitat

Transforming that philosophy into regulations took extensive research, countless regional hearings and five years of draft plans. The national standards board made specific recommendations, addressing production,

WARNING: Use Of This Produce May Be Hazardous To Your Health.

processing, labeling and certification.

So what happened? The Agriculture Department almost totally ignored the board's advice. Instead it issued watered-down

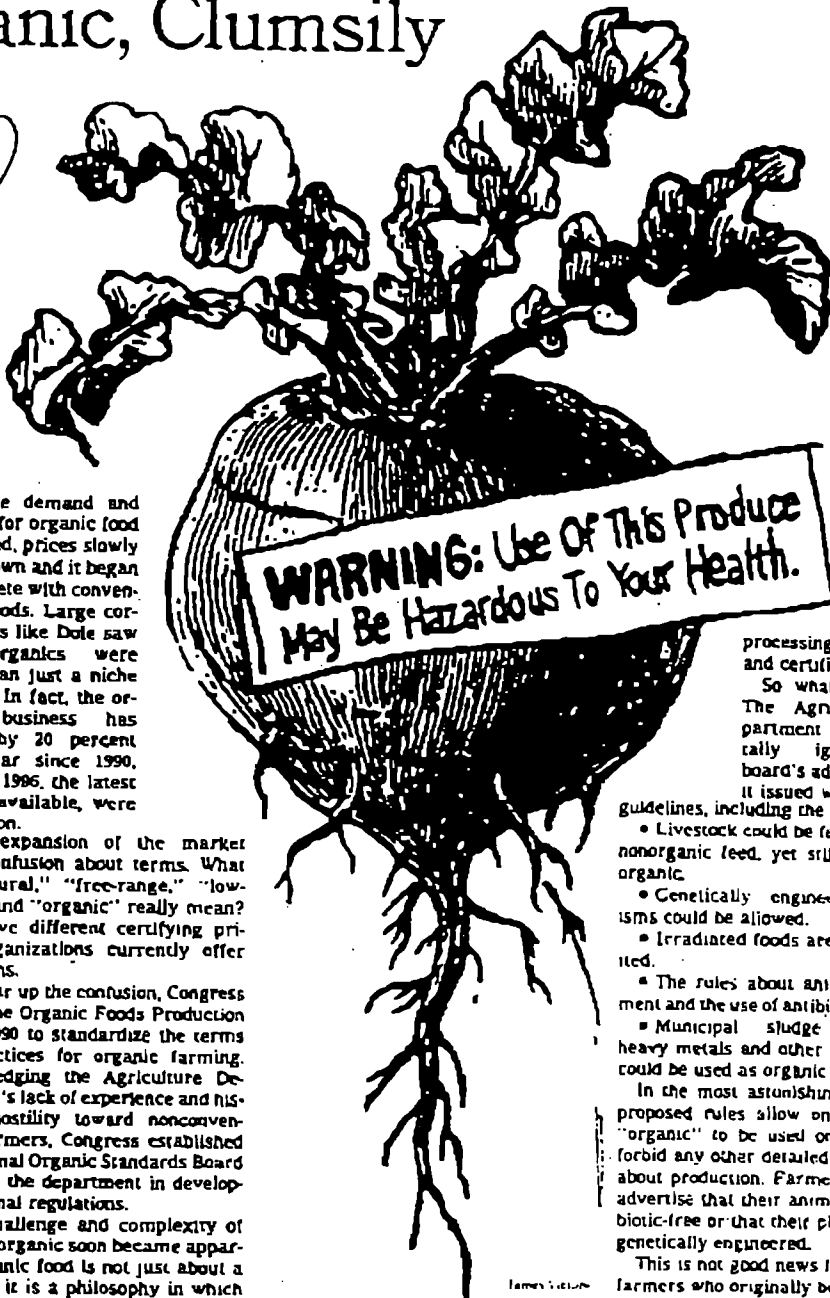
guidelines, including the following:

- Livestock could be fed 20 percent nonorganic feed, yet still be labeled organic.
- Genetically engineered organisms could be allowed.
- Irradiated foods are not prohibited.
- The rules about animal confinement and the use of antibiotics are lax.
- Municipal sludge containing heavy metals and other toxic wastes could be used as organic compost.

In the most astonishing move, the proposed rules allow only the word "organic" to be used on labels and forbid any other detailed information about production. Farmers could not advertise that their animals are antibiotic-free or that their plants are not genetically engineered.

This is not good news for the small farmers who originally built the market for organic foods. In time, many could be forced out of the organic business by large companies that call food organic when it really isn't.

The Agriculture Department's new guidelines don't need minor tweaking or revision. They need to be scrapped and rewritten in accordance with the original recommendations by the national standards board — an approach that considers the health of all living things along the food chain, and tells consumers the truth about what they're buying.



James G. Thompson

EATING WELL

Marian Burros

U.S. Proposal on Organic Food Gets a Grass-Roots Review

THE organic food industry has organized an impressive grass-roots campaign — employing Web sites, public meetings, enclosures in telephone bills and even information printed on the backs of milk cartons — that has already convinced the Agriculture Department that substantial changes must be made in the proposed Federal regulations for organically grown food.

Since December, when the proposed rules were announced, the department has received more than 15,000 comments, almost all of them negative. Secretary of Agriculture Dan Glickman, aware that the proposals do not sit well with those who buy and

sell organic food, said in an interview last week that the comment period was being extended until April 30 to give more people an opportunity to have a say.

"I do not think the Department of Agriculture will be publishing final rules if the people who asked for them find them objectionable," he said, adding that he had noticed great interest in the proposed rules in his travels around the country.

"Democracy will work," he said. "We will listen to the comments and will, I am sure, make modifications to the rule."

There are a number of sticking points in the proposal, but what Mr. Glickman calls "the big three" — irradiation, biotechnology

and sludge — have been on the minds of most of those who have commented on the rule. In the proposal, the Agriculture Department asked whether foods that had been irradiated or created by bioengineering could be included in a definition of organic. It also asked whether sludge, which is reprocessed sewage, could be used as fertilizer on crops sold as organic.

There has been a resounding no to all three questions from almost everyone who has taken the trouble to comment.

The flood of comments has been in response to a well-orchestrated effort that is the very antithesis of the kind of lobbying done by wealthy industries.

When insurance companies, for instance, want to influence a Federal Government decision, they send their lobbyists to talk directly to the people who are making the rules. And just to be on the safe side, they make political contributions to the appropriate parties. When a small emerging industry like organic processors and farmers wants to send a message to the people who make the rules, it has to depend on less expensive strategies.

"If we put \$100,000 into this campaign, it will be a lot," said Katherine DiMatteo, the executive director of the Organic Trade Association in Greenfield, Mass. "So, we sat down and mapped out a campaign on how to effect a change without a lot of money."

The trade association spent several days in January discussing the issues with members of what they call their consumer network list — including producers and consumer groups. It enlisted their support to reach everyone interested in getting out the message that the proposed organic food regulations were unacceptable.

Companies like Horizon Organic Dairy in Boulder, Colo., and Whole Foods Market, the natural foods supermarket chain that owns stores like Bread and Circus in Massachusetts and Fresh Fields in Washington

and New Jersey, are helping to spread word. Whole Foods has posted information about the proposed rules in its stores, provided forms so that customers can submit their comments to the Agriculture Department. The chain has also distributed flyers advising its customers to call senators and to tell them that they want sludge used or irradiated or bio ingredients in their organic food.

By last week, the office of Senator Dan Patrick Moynihan, Democrat of New York, said that it had received 475 letters, plus a number of calls from constituents, all of them opposing the rule as it is now written.

The back panels of 2.5 million Hormel Organic milk cartons point out what the company considers to be the shortfalls of the proposed organic standards and advise consumers on how to register complaints.

Also fueling citizen participation is the publication of the rules by the Agriculture Department on the Internet (<http://www.ams.usda.gov/nop>).

Ms. DiMatteo said she hoped there would be 50,000 comments by the time the comment period expires, on April 30.

And then the review process will begin again.

Going Organic, Clumsily

Opinion
N.Y. Times 3/24/98

By Peter Hoffman A27

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Food
Organic
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PAGE 1

COMPLETE BILL HISTORY

04/30/98

BILL NUMBER : S.J.R. No. 42
AUTHOR : Thompson
TOPIC : Organic food.
TYPE OF BILL : INA NUR

MAJ

NFI

NTA

BILL HISTORY
1998

Apr. 30 Senate concurs in Assembly amendments. (Ayes 27. Noes 1.) To enrollment.
Apr. 28 In Senate. To unfinished business.
Apr. 27 Read, amended, and adopted. (Ayes 61. Noes 0. Page 6439.) To Senate.
Apr. 23 From Consent Calendar to third reading.
Apr. 21 Read second time. Amended. To Consent Calendar.
Apr. 20 From committee: Be adopted as amended. To Consent Calendar. (Ayes 9. Noes 0.)
Apr. 20 To Com. on RLS.
Apr. 16 In Assembly. Held at Desk.
Apr. 16 Withdrawn from committee. Unanimous consent granted to consider without reference to file. Read and adopted. (Ayes 29. Noes 0. Page 4164.) To Assembly.
Apr. 2 Introduced. To Com. on RLS.

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Post-it Fax Note 7671 4/30 1

Tom O'Brien
HMS/USDA

Peter Detweiler

Display 1997-1998 Bill Text - INFORMATION
BILL NUMBER: SJR 42

BILL TEXT

AMENDED IN ASSEMBLY APRIL 27, 1998
AMENDED IN ASSEMBLY APRIL 21, 1998

INTRODUCED BY Senator Thompson
(Principal coauthor: Assembly Member Cardoza)
(Coauthors: Senators Alpert, Ayala, Burton, Costa, Dills, Johannessen, Johnston, Karnette, Kelley, Leslie, McPherson, Monteith, O'Connell, Peace, Polanco, and Wright)
(Coauthor: Assembly Member Brown)
(Coauthors: Assembly Members Brown, Alquist, Aroner, Baca, Bowen, Cardenas, Cedillo, Cunneen, Davis, Ducheny, Escutia, Figueroa, Gallegos, Havice, Hertzberg, Honda, Keeley, Knox, Lempert, Machado, Mazzoni, Migden, Ortiz, Perata, Scott, Shelley, Strom-Martin, Sweeney, Thomson, Torlakson, Villaraigosa, Vincent, Washington, Wayne, Wildman, Woods, and Wright)

APRIL 2, 1998

Senate Joint Resolution No. 42--Relative to organic food.

LEGISLATIVE COUNSEL'S DIGEST

SJR 42, as amended, M. Thompson. Organic food.

This measure would urge President Clinton and the United States Department of Agriculture to redraft regulations proposed by the United States Department of Agriculture concerning organic food to reflect the recommendations of the National Organic Standards Board and ensure compatibility with the California Organic Foods Act of 1990.

Fiscal committee: no.

Display 1997-1998 Bill Text - INFORMATION
BILL NUMBER: SJR 42

BILL TEXT

WHEREAS, Congress passed the Organic Foods Production Act of 1990 (7 U.S.C.A. Sec. 6501 and following) to establish national standards for organic farming; and

WHEREAS, Congress established the National Organic Standards Board to advise the United States Department of Agriculture in developing regulations to implement the Organic Foods Production Act of 1990; and

WHEREAS, The National Organic Standards Board made specific recommendations concerning the production, processing, labeling, and certification of organic foods, which were drawn largely from California's successful organic standards; and

WHEREAS, The United States Department of Agriculture proposed regulations that differ significantly from those recommended by the National Organic Standards Board; and

WHEREAS, The proposed regulations constitute a significant dilution of the definition of "organic" as established under the California Organic Foods Act of 1990 (Art. 7 (commencing with Section 110810), Ch. 5, Pt. 5, Div. 104, H. & S.C.); and

WHEREAS, California, which produces safe, abundant, traditionally-grown food supplies, in addition to organic food, has had a long tradition of strict guidelines for organic production and a consistent standard of what "organic" means to the consumer; and

WHEREAS, Currently, when consumers buy a product that meets California's stringent organic standards, they know they are purchasing something of high quality; and

WHEREAS, The proposed federal regulations substantially depart from California's approach in that, for example, the final rules may permit the use of municipal sewer sludge, irradiation, and bioengineering in organic production, they may permit the use of pesticides and other material in organic farming that have not been allowed previously, and they permit excessive confinement of animals, and only 80 percent of the feed for animals must be organic; and

WHEREAS, The proposed federal regulations are far weaker than those established in California and, if adopted, would threaten the integrity of the organic process in our state, undermine established practices of the organic industry, and destroy consumer confidence in the organic label; and

WHEREAS, Organic farmers have successfully developed an economically viable market under the strict California standards; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That California urges President Clinton and the United States Department of Agriculture to redraft the proposed regulations concerning organic food to

Display 1997-1998 Bill Text - INFORMATION
BILL NUMBER: SJR 42

BILL TEXT

reflect the recommendations of the National Organic Standards Board and to ensure compatibility with the California Organic Foods Act of 1990 (Article 7 (commencing with Section 110810) of Chapter 5 of Part 5 of Division 104 of the Health and Safety Code); and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President of the United States and to the United States Department of Agriculture.



Organic

MS-

What do you think?

FAX TRANSMITTAL

Mary has a copy of this!

ORGANIC TRADE ASSOCIATION

WASHINGTON OFFICE:

205 SOUTH WHITING STREET
SUITE 308
ALEXANDRIA, VA 22304

PHONE: 703 751 8022

FAX: 703 751 5735

TO: *Jon Friedman*
FROM: *Bob Gray*
DATE: *6 December 1999*
FAX NUMBER: *202-456-7431*
PAGES (INC. THIS ONE): *2*





December 6, 1999

Mr. Tom Friedman
Domestic Policy Council
Eisenhower Building
Washington, D.C.

Via FAX

Dear Mr. Friedman:

In following up on the voice mail I left you last Friday, I wanted to find out if it was possible for Mark Retzloff, President of the Organic Trade Association (OTA), and Katherine DiMatteo, the Executive Director, could meet with you on Thursday, December 9th. OTA represents more than 1,000 farm organizations, handlers, processors, and retailers who produce and market organic food products.

We would appreciate the opportunity to meet with you and discuss the Association's efforts to strengthen organic sales around the country and internationally as well. As you know, USDA is working on the completion of national organic standards which, hopefully, will be released in final form next year. Realizing that your schedule is busy, we are flexible in finding a convenient time for you to meet. My phone number is 703 751 8022. Thanks!

Sincerely,

A handwritten signature in cursive script that reads "Robert Gray".

Robert Gray



THE SECRETARY OF AGRICULTURE
WASHINGTON, D.C.
20250-0100

*Original
EW*

*Ek/Tom -
Pls advise.
BRZ*

MEMORANDUM TO BRUCE REED AND GENE SPERLING

From: Secretary Dan Glickman

Subject: National Organic Standards Regulation

Dan Glickman

Over the past few months, the Department of Agriculture (USDA) has received extensive criticism in the national media regarding USDA's proposed rule establishing a national organic food standard, several examples of which I am attaching for your review. There is also a widespread national grassroots campaign against the proposed rule which has generated over 130,000 comments to date, nearly all of which are negative. The public comment generated by this rule has exceeded any that USDA has received on any rule for decades. There has also been significant bipartisan congressional concern raised about this proposal.

With 44 different State and private standards in place, the organic industry wants to establish a uniform national standard to ensure consistency as well as to promote international trade in organic food products. In 1990, Congress passed the Organic Food Production Act (OFPA), which requires the Department of Agriculture (USDA) to establish a national standard defining the use of the term organic on food products.

USDA began the process of drafting rules and held extensive consultations regarding the content of the proposed national organic standard with the National Organic Standards Board, an advisory committee comprised of representatives of organic producers, processors, and consumers. On December 16, 1997, USDA published a proposed regulation to establish a national organic standard.

Much of the criticism is focused on the fact that the proposal does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in organic production. While these three issues have received the bulk of the attention, a number of other substantive concerns with the proposal have been raised, such as the use of antibiotics in livestock. Another fundamental issue to be resolved is whether the final rule should be a highly detailed, prescriptive regulation, which the organic industry seems to support strongly, or whether it should merely provide flexible performance standards along the lines of the proposed rule, which the Office of Management and Budget has in general advocated.

In essence, the organic industry views the proposal as weakening or undermining existing standards in a way that threatens the meaning of the organic label, thereby endangering the viability of organic production and the profitability of their markets. Perhaps even more significant, however, is that the organic community also views the proposal as a breach of trust

by USDA and the Administration.

The comment period closes on April 30, 1998. In response to the requests of commenters, USDA intends to develop a new proposed rule for public comment. The process of evaluating the public comments and then redrafting and obtaining clearance of the entire regulation is likely to take several months.

I have publicly stated on many occasions that our organic standards will reflect changes based on public comment and that USDA's goal is to issue a final rule that organic growers and consumers will embrace. However, I am convinced that USDA needs to send a clear, specific message to the public and the organic community that we intend to make fundamental changes in the proposed rule, and I believe we need to send this message soon. To do otherwise risks further erosion of public confidence in the responsiveness and good faith of the Administration's efforts during the lengthy process of developing a new proposal.

I intend to issue the attached press release the week of May 4, 1998. My office has submitted the release for interagency clearance, and it is quite possible that there will be issues that may require the careful attention of the Administration.

I will call you soon to discuss this issue, and I will keep you posted on our progress.

cc: Jack Lew
Sylvia Matthews
Larry Stein

Attachments

DRAFT -- NOT FOR DISTRIBUTION -- DOES NOT REPRESENT USDA POLICY

USDA To Make Fundamental Changes in New Proposed Rule On Organic Standards

Washington. May X, 1998 -- Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the [170,000] comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue new proposed standards, and we intend to do so. Most importantly, the new proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture. However, they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these three issues are being taken off the table and will not be included in our new proposal."

Similarly, many of the [170,000] comments asserted that national organic standards must be rigorous and credible. Otherwise, consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the new proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the new proposal, which USDA will issue later this year and which will also be available for public comment. "This additional opportunity for public comment will assist us in crafting a rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

Survey of
consumers
① think - what
do you think of organic?
Should
feds be
doing?

50 will
rept to us
every year

(121)

Organic Politics

W. Post Editor 4/28/98 A16

WHAT IS IT with celebrities and food safety issues? First it was Meryl Streep testifying before Congress on Alar, stoking an apple-safety panic and the wave of weird "veggie libel" laws that have caused such trouble for Oprah Winfrey. Now the Agriculture Department reports that the singers Willie Nelson, Neil Young and John Mellencamp are among 115,000 people who have written or faxed comments complaining about the proposed definition of "organic" food in recently issued regulations. The rule, Agriculture Secretary Dan Glickman told the Associated Press, has drawn "more comments ... than on any rule in the history of the Department of Agriculture in modern times."

Country music stars may have little useful to say about the fine points of what foods should be permitted to be labeled "organic," but their presence does serve as index for an issue that has achieved what marketers call "breakout." The organic labeling fight has drawn a startling amount of attention, with denunciations in many media of a rule that, in this draft at least, would have allowed foods to be labeled organic even if they were genetically engineered or irradiated. The label also could be

used for foods grown in "sludge," which, to be sure, sounds less organic than "fertilizer," though that's basically what it is.

The agriculture department is caught in its customary bind between regulating the labeling of food products and representing the interests of the agriculture industry, which includes many large growers and packagers that engage in these practices and want a piece of the "organic" market. Its initial solution, to define the word loosely enough so that the big companies could use it too despite differences between their method and the competing ones, fell flat with an audience of Americans who manifestly want to know *exactly* what they are eating.

The point here is not whether genetic engineering, irradiation or the use of "sludge" is good or bad for you, nor whether the boutique all-natural or free-range foods actually are enough superior to warrant their higher cost (the very cost the big companies keep low by the use of chemicals and other less "natural" methods). The issue at this stage is merely whether people are being told what they want to know about the food they buy and eat. So far, it looks as if they aren't.

Revisiting the Rules on Organic Food (128)

In mid-December, the Department of Agriculture published its National Organic Program regulations, a set of proposed rules for production of organic food that would be the basis for a national organic certification program. The department also invited public comment until April 30. Reaction has been sharply critical, particularly from those most directly affected, like organic growers, organic processors and consumers who prefer organic food.

For decades, organic growers have endured virtual neglect by the Agriculture Department. That pattern remains unchanged. The new rules make it plain that the department listened harder to the voice of agribusiness, which has always derided organic agriculture, than it did to the people who have proved its incontestable worth.

If the rules enter law as they stand now, it will be a major setback for the organic community. Growers who try to distinguish their organic products from products grown under a less stringent,

but nationally certified standard will be prevented from using the word "organic" — a word whose meaning has been defined by their practices. Consumers will find that "organic" has come to mean something quite different from what they thought. The rules allow practices that no one calls organic, including irradiation, the use of sewage sludge as fertilizer and genetically engineered crops.

There is nothing wrong with a national organic certification program. But with these rules, there is plenty wrong. Over the last 50 years, the Agriculture Department, in tandem with agribusiness, has been nudging American farmers toward a set of agricultural practices that are as uniform as the plants in a field of soybeans. But a cardinal tenet of organic farming is that diversity is as essential to biological health as it is to cultural health. If the organic rules are passed as they stand, organic farming will certainly go on, but under a different name and with renewed bitterness.

NY Times Editorial 4/13/98 A30

Editorial

The New York Times

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December 16, 1997

Reading the Organic Rules

Yesterday the Department of Agriculture announced a proposed set of Federal standards for organic food production and processing. Organic food has become big business in the last few years, but the definition of what "organic" means has been erratic. Some states, like California, have strict certification procedures for organic farmers. Others have none. The new National Organic Program will now provide a single set of rules, following guidelines developed over seven years by the National Organic Standards Board in consultation with organic farmers and the public.

Consumers commonly assume that the word "organic" describes a product -- a spear of organic asparagus, for instance, or a peck of organic Winesap apples. But the word actually describes a system of agriculture, a set of practices that is roughly outlined by the U.S.D.A.'s new National Organic Program regulations. Organic agriculture excludes the use of synthetic fertilizers and pesticides. More important, it strives for low environmental impact and enlists the interdependence of natural biological systems -- using cover crops, for instance, to increase soil fertility. The supermarket is full of foods whose labels tell the consumer almost nothing about the way they were produced. A food labeled "organic" under the National Organic Program rules will assure consumers that it was produced under a stringent set of guidelines. The very purpose of the label is to inform consumers about agricultural practice.

But the organic standard is only as good as the regulations that define it. In the National Organic Program's proposed rule, there are some troubling signs of vacillation and, perhaps, of industry or political pressure. The Agriculture Department, calling for further public commentary, has put off a final decision on several practices that the National Organic Standards Board had rejected after extensive public consultation. These include irradiation, the use of sewage sludge as fertilizer and the use of genetically engineered crops. Whatever the value of these technologies and practices may be, none are part of accepted organic practice, and each offers a beachhead within the program for major non-organic agricultural corporations.

Even the potential acceptance of these practices within the National Organic Program threatens to vitiate what is otherwise a commendable proposal. That would be a shame, for the Agriculture Department's new recognition of organic practices is indeed historic.

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EDIC

The Packer

Page 8A

Feb 16, 1998

EDITORIALS

Bowing to pressure

More comment sought on organic rules

The U.S. Department of Agriculture's proposed rules for organic foods so far have drawn 6,000 public comments, many of them negative. In fact, the reaction has been so heavy that the agency has extended the comment period until the end of April. *Story, 3A*

The proposal, which will set national standards for organics and establish a regulatory framework, is in trouble. None of the organic organizations seems to like it. They are deeply troubled by the fact that the USDA, and specifically the Agricultural Marketing Service, wants to allow irradiation, genetically engineered plants and products, and municipal sewage sludge to be used in organic production.

Many in the organic community feel betrayed by this. They believe these processes and products are "foreign" to organic principles and will turn off consumers.

They may be right. While genetically engineered produce, and even irradiation, have become a part of the "conventional" food industry, the organic industry's whole reason for being has been based on low technology, environmental friendliness and an image of "purity" and simplicity. It doesn't take much imagination to understand consumers could be alienated if the "organic" produce has been grown with sewer residue, altered with "alien" genes and then zapped with radiation.

Some of these technologies will be a part of conventional agriculture. But the USDA ought to look closely at its organic proposals and modify them in light of strong opposition. Why approve final regulations that are unpopular with those being regulated?

Trade Press

OPINION



startribune.com

Opinion

Published Monday, April 27, 1998

Revise organic label proposals

The organic food movement has roots in both philosophy and science, and especially in the zone of belief where these agree. Philosophy holds that food produced without synthetic additives is preferable; science shows that many man-made fertilizers and pesticides pose risks to human health and the environment.

But philosophy and food science can also diverge, and in the fight over new national standards for what may be called organic, they sometimes do.

The debate goes beyond food quality. The organic market has tripled in size since 1990 and is now attracting the interest of large corporations; new rules will shape the future of competition in the industry. Producing an organic potato is no longer simple.

The national standards, being prepared by the U.S. Department of Agriculture, are intended to replace the current system in which organic foods are certified by any of 33 industry groups and 11 states (not including Minnesota), each using different definitions. The argument for a national approach is persuasive: Consumers are entitled to a uniform, reliable assurance of what they're getting when they buy "organic" food.

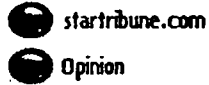
As a first step in preparing its rules, USDA took recommendations from a national panel of industry representatives, scientists and consumers. As a second step, it proposed major departures, prompting a storm of protest.

Some in the industry are calling for USDA to start over, even abandon the effort entirely. This would be a regrettable and wasteful outcome. The rules are not wholly wrongheaded, but they do need significant revision to ensure that in updating and broadening the standards for organic food, USDA does no harm to essential principles.

The foremost of those principles -- no synthetic additives -- is threatened by potential redefinition of permissible agricultural chemicals and residues, by a loosening of the rules for livestock feed and by a more tolerant approach to pesticide "drift" from nearby nonorganic farms. Similarly, USDA takes the wrong approach in proposing to change the safety standard on certain farming practices -- permitting them until shown to be harmful, rather than prohibiting them until shown to be safe.

Of the four major areas in which USDA has reserved judgment, two are especially troublesome. Fertilization with sewage sludge of unknown chemical content is plainly offensive to the notion of organically grown food; so is a liberalized rule for nonmedical use of drugs in livestock.

But in the other two areas -- genetic engineering and irradiation -- organic purists are relying more on philosophy than science, and their arguments are unconvincing. Irradiation has been shown to be a safe and effective, if "unnatural," tool for preserving food. And genetic manipulation of food is arguably an extension of such centuries-old techniques as selective propagation, hybridization and grafting.



Of course, some shoppers may prefer to avoid irradiated or genetically engineered food, and **USDA** should not interfere with that choice. Nothing in the new national standard should prevent food producers from adhering to still stricter principles, and labeling their products accordingly.

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Irradiated, sure, but organic

Melostar Tribune Commentary
Proposed rules

*would have made
word meaningless*

By Ellen Goodman 4/24/98
Boston Globe (24) A13

BOSTON — This is not your everyday political event. How often does a grass-roots movement ask the government to regulate its own enterprise? When was the last time small operators rose up to bitterly complain that government rules and regulations weren't strict enough?

But this is the upside-down nature of a food fight that has erupted between the U.S. Department of Agriculture and the organic farming community.

Ever since December when the USDA released the first-ever proposals for minimum standards for organic foods, a full-scale debate has been raging about the meaning of the "O" word. Now, an astonishing 101,000 farmers and chefs, and consumers and environmentalists have developed an appetite for protest. In the face of an April 30 deadline for comments, they have registered deep disapproval of the agency's taste.

This story of "O" began, in the best biblical tradition, with an apple. In the alar scare of 1989-90, people became alarmed about chemicals. Suddenly, a bumper crop of apples appeared on the market bearing the label "organic."

Organic farming, which once exuded the aura of a hippie enterprise with lethargic and overpriced vegetables, was just becoming a full-fledged alternative. The apples of dubious "organic" origin convinced many in the disparate community that they needed a national standard to prevent fraud, and maintain consumer confidence.

These farmers were always wary of involving the USDA, an agency which, to put it gently, has been a bastion of conven-

tional farming and a buddy of agribusiness. But with the help of Vermont's Sen. Patrick Leahy, the Organic Foods Production Act was passed in 1990 to determine minimum standards. Farmers, consumers, scientists and environmentalists spent four years working out an agreement on the definition of organic.

Then the USDA stepped in, to fulfill their worst fears. In the tradition of the "fox guarding the henhouse," the agency proposed to lower these standards.

The USDA rules would, for example, allow lettuce fertilized with sewage sludge, genetically engineered pigs and irradiated radicchio to carry the label "organic." They would allow a chicken that had never seen the light of day, let alone a free range, to carry an "organic" tag.

These giant loopholes in the "O" are big enough to drive a truck through. "We'd have Tyson's Organic Chickens before you could blink an eye," says Margaret Mellon of the Union of Concerned Scientists. "It

would doom the word organic."

If the Department of Agriculture is surprised by the huge outrage, that in itself is not surprising. The department's bias toward conventional farming is long and deep. Organic farming is now a \$4 billion business growing by 20 percent a year. But its success is taken as a rebuke to the factory-farming, supermarket-to-the-world agribusiness that is now the rule.

It is widely believed that the folks marketing sludge, promoting genetic engineering or irradiation got the USDA's ear because they want to piggyback onto the good name of "organic" to mute controversies here and abroad.

We can debate the safety of genetic engineering till the cloned cows come home, but it fits no image of organic farming. This food fight is not just about safety of the product. It's about the process of farming.

As Kathleen Merrigan of the National Organic Standards Board puts it, "We want a label

that connects people to how their food is produced. We want to give people a way to be sure their food was produced by people who are walking lightly on the earth."

Americans have a nostalgic and primal relationship to the farm. But now agriculture, like so many other parts of the economy, is going in two directions.

The larger trend is to consolidate farmland as if it were a megabank. It's to industrialize farming, and mass produce identical products on a land factory. The sturdy but smaller trend is toward diversity, toward sustaining the land.

Today organic farms are not just food boutiques, trendy little supply centers for people who are willing to pay more for mesclun greens. They are the labs, the models, the alternatives.

The USDA has done little to promote organic farms. But if these proposals are put into law, organic will have lost any meaning. The "O" in the O-word will stand for Zero.



Organic farmer George Bass, of Hubbardston, Mass., in the barn with his Rhode Island Red chickens.

New York Times

State of New York Legislative Resolution

Assembly No. 1838



BY: M. of A. Gromack, Parment, Pheffer, Christensen, Hochberg and Prentiss

CALLING upon the Secretary of the United States Department of Agriculture to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses

WHEREAS, This Assembled Body calls upon the Secretary of the United States Department of Agriculture (USDA) to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses; and

WHEREAS, Consumers choose organic foods because of their heightened concerns about food, the environment and health; the current proposed federal organic food rules would allow soil application of sewage sludge, irradiation, genetically modified organisms, and other products and processes that are unacceptable to the majority of both consumers and producers of organic food in the State of New York; and

WHEREAS, The USDA proposal would also impose significant fees on New York organic certifying organizations and small growers that could seriously damage this expanding segment of the New York agriculture and food industry; the standards put forth in the USDA rules would not meet most international requirements and therefore limit export opportunities for organic food businesses; and

WHEREAS, The standards originally developed by the USDA National Organic Standards Board, which was formed as part of the 1990 Organic Foods Production Act, are largely acceptable to the organic community and the Secretary of the United States Department of Agriculture should consider using them for the final rules; and

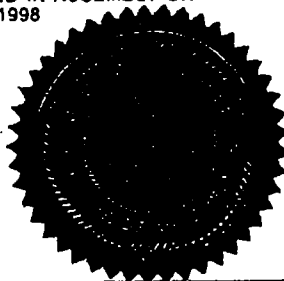
WHEREAS, If the federal standards are not changed to meet the New York organic community's recommendations, this Assembled Body requests that the final federal rules allow for the establishment of a state organic program that will be acceptable; and

WHEREAS, Organic food sales are the fastest growing segment of the food industry and there is a need for standardization to allow consumers to make informed choices; however, organic food consumers, experienced growers and organizations representing consumers and growers should have the most significant input into federal guidelines that will determine the meaning of organic for years to come; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to urge the Secretary of the United States Department of Agriculture to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses; and be it further

RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the Secretary of the United States Department of Agriculture

ADOPTED IN ASSEMBLY ON
April 1, 1998



By order of the Assembly,

Francine M. Misasi

Francine M. Misasi, Clerk

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Los Angeles Times

BUSINESS & TECHNOLOGY

HELP



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Friday, April 17, 1998

HEARD ON THE BEAT / FARMING AND FOOD

A Growing Controversy

■ Organic Food Folks Fight Federal Plan

By MARTHA GROVES, Times Staff Writer

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The verdict is in, and the state's farmers and environmentalists have found the U.S. Department of Agriculture guilty.

Guilty, that is, of proposing regulations for the nation's organic food business that ignore the industry's practices, philosophy and desires.

At a rally Thursday in Sacramento, leaders of the state's organic farming and food community railed against the proposed rules, demanding that the USDA go back to the drawing board. Otherwise, they said, the federal government risks undermining California's 8-year-old organic farming law, one of the nation's strongest.

"We don't want them to amend this proposal," said Joan Clayburgh, a spokeswoman for Californians for Pesticide Reform, a San Francisco organization that espouses organic farming methods. "We want them to throw it out."

Organic activists in California aren't alone in their opposition. The USDA has been swamped with more than 100,000 letters, postcards and e-mails, most of them highly critical of the rules. The agency appears to be getting the message. For several weeks, U.S. Agriculture Secretary Dan Glickman has been reassuring grower groups that changes will be made.

The USDA published its proposal in December after seven years of haggling and information-gathering. The outpouring of opinion prompted the agency to extend the public-comment period for the rules to April 30.

About 70,000 of the responses are form letters, including 16,000 from readers of Organic Gardening magazine and 34,000 from customers of Working Assets, a San Francisco company that sells long-distance phone service and gives part of its revenue to socially responsible groups.

The agency has also heard from leading organic food companies, including Pavich Family Farms, growers of organic grapes, raisins and nuts, based in Terra Bella; Horizon Organic

Dairy in Boulder, Colo.; and Cascadian Farm, a producer of frozen desserts, vegetables and other items, based in Sedro-Woolley, Wash.

And it has gotten an earful from the growing ranks of customers of natural food chains such as Wild Oats and Whole Foods Market(QUOTE.COM), which have distributed pamphlets to mobilize grass-roots support.

In particular, food processors and retailers are critical of what they see as three key stumbling blocks: irradiation, biotechnology and the use of sewage sludge as fertilizer. As the proposal stands, those three processes would not be outlawed--contrary to the vociferously stated wishes of the industry. Activists have charged that the rules were designed to accommodate agribusiness concerns, which see the \$3.5-billion organic food industry as a hot growth area.

Industry leaders say the agency could save itself time and trouble by adopting the recommendations of the National Organic Standards Board, a panel established by law in 1990 to advise the USDA. In preparing its proposal, the agency largely ignored the board's suggestions.

In a letter to Glickman early this week, California Agriculture Secretary Ann M. Veneman said the state Department of Food and Agriculture would be submitting records from four public hearings held on the issue throughout the state in January, February and March. She urged the agency to "revise the rule to ensure a strong organic program."

Mail-Order W(h)ine

California wine retailers are puzzling over the latest wrinkle in a long-running battle over direct-mail wine sales.

Earlier this month, the U.S. Supreme Court chose not to take up a legal battle between mail-order "wine clubs" and states over the regulation of alcoholic beverage sales. Without comment, the court let stand rulings that rejected Florida's effort to sue in federal court to stop what state officials call "illegal interstate bootlegging."

At least one Southern California wine retailer was hopeful that the action would make it legal to ship wine to Florida customers.

Not so. It simply means that the high court is leaving the matter up to the states. Florida still has a law making it a felony for wineries or retailers to ship wine directly to customers in the state.

"We'll continue to have to fight them," said Ron Louterback, proprietor of three Wine Club retail shops in California.

Florida had sued Wine Club (which is a retailer, not a wine club per se) and three other vendors over direct shipments, saying they failed to pay various state taxes and fees. A federal judge

221

Organic is as organic says

1-12
Now that organic farming has mushroomed from a hippy-dippy diversion into a giant industry with annual sales exceeding \$4 billion, conventional food processors also want a slice of the market. They should be welcome to it—but not at the cost of diluting proposed government guidelines defining the term “organic” and its legitimate use on foodstuffs.

4/27/98
Organic food regulations were first proposed by the industry itself in 1986. Four years later, Congress passed the Organic Foods Production Act, which in turn created the National Organic Standards Board (NOSB) and assigned to it the task of drawing up guidelines to govern the production, handling and marketing of organic foods.

7/18
It's an important mission: As the market has grown, so has the promiscuous use of “natural,” “organic” and other New Age mumbo-jumbo and advertising gimmicks. Even the most discerning consumers are baffled, a situation complicated by conflicting standards and definitions established by different states and local organizations.

Meanwhile, the organic market is growing like kudzu. For the past seven years it has posted sales growth of 20 percent or greater, according to the Organic Trade Association. Clear, nationally recognized standards are essential for domestic consumers as well as the export market, particularly since the European Union adopted its own organic food guide-

lines in 1992.

In 1995, the NOSB proposed a set of definitions and standards. But late last year—under pressure from conventional food processors and agricultural interests—the U.S. Department of Agriculture proposed considerably looser regulations.

Consumers have until April 30 to comment on the revised guidelines; they should urge the USDA to stick with the previous, more stringent, rules.

The disagreements generally revolve around the use of genetically engineered hormones and other organisms, food irradiation, municipal sewer sludge for fertilizer and synthetic antibiotics in farm animals. The NOSB banned them; the USDA proposes to allow them.

Consumer safety is not the main point here. There is, for example, no scientific evidence that irradiated food is harmful or unsafe. But is it “organic”?

What's at stake instead is the integrity of a set of regulations drawn up by experts and representatives of the organic food industry after lengthy discussion. It's most unusual, in fact, for an industry to impose such stringent standards upon itself.

If the term “organic” is to mean anything at the supermarket to the rapidly growing number of consumers, the USDA should abide by the recommendations of a board of experts that was, after all, created by the federal government.



U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Telephone (202) 720-3631 Fax (202) 720-5437

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 - ☐ GREG FRAZIER, CHIEF OF STAFF
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 - ☐ JOHN SPARKS, SPECIAL ASSISTANT FOR CIVIL RIGHTS

MESSAGE: Send letter

United States Senate

WASHINGTON, DC 20510

April 30, 1998

The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, D.C. 20250

RE: Docket Number TMD-94-00-2
62 Fed. Reg. December 16, 1997

Dear Mr. Secretary:

We support the development of a strong National Organic Program and appreciate your efforts to implement the Organic Foods Production Act of 1990. We are writing, however, to express our concern that the Proposed Rules fail to conform with consumer expectations and, if implemented, would cause serious economic harm to the organic industry. We urge you to rewrite the Proposed Rules so that they reflect industry norms as represented by existing private, state, and international standards.

We ask that you return to the recommendations of the National Organic Standards Board (NOSB) as a model for your overhaul of the Proposed Rules. As you know, the NOSB was established by Congress to provide public participation and industry expertise in the development of standards and to determine the proposed National List of allowable synthetics in organic production. Regrettably, the Proposed Rules ignore many of the NOSB recommendations and specifically disregard the authority Congress granted to the NOSB to determine the narrow list of allowable synthetics. The result — a USDA proposal that is almost universally condemned by those it seeks to help.

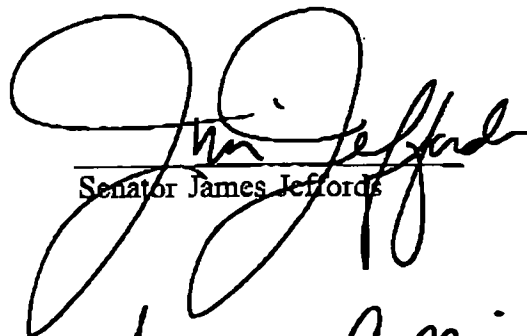
Consumers expect organic products to be produced in the most environmentally sound manner possible. They also expect such products to be produced free of genetic engineering, biosolids, and ionizing radiation. We expect USDA to uphold these marketing distinctions so important to consumers, cultivated by organic farmers, and which profit American agriculture in so many ways.

Thank you for your attention to our concerns.

Sincerely,



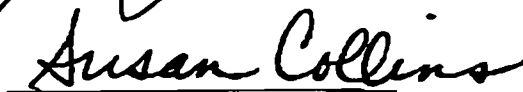
Senator Patrick Leahy



Senator James Jeffords



Senator Dale Bumpers



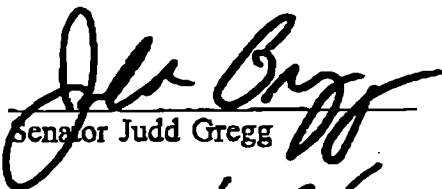
Senator Susan Collins



Senator Max Baucus



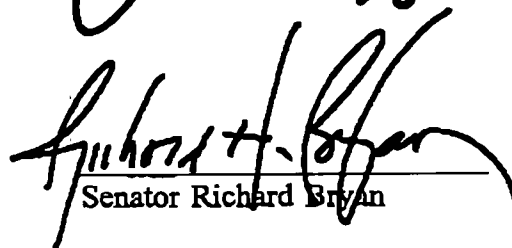
Senator John Glenn



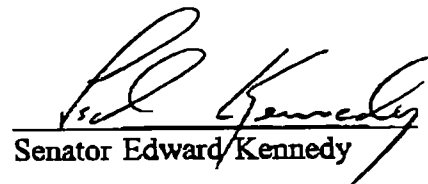
Senator Judd Gregg



Senator Kent Conrad



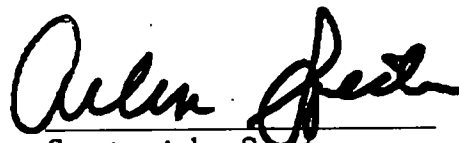
Senator Richard Bryan



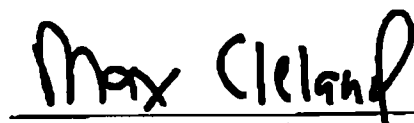
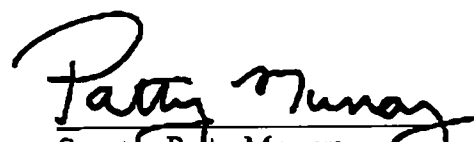
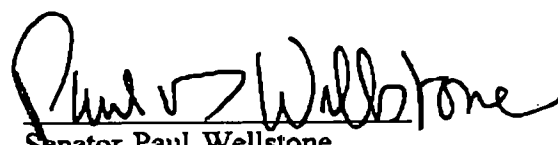
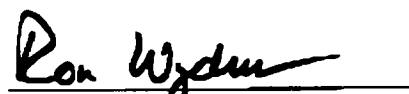
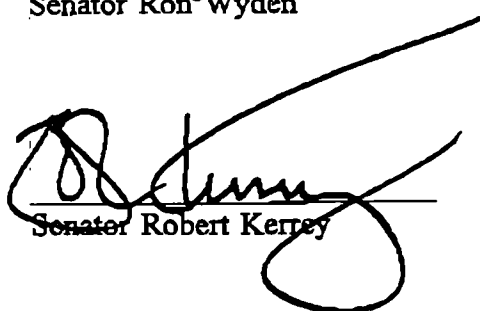
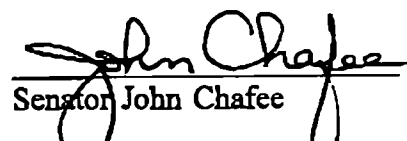
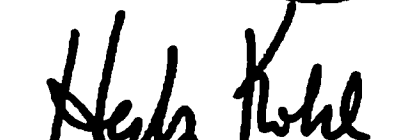
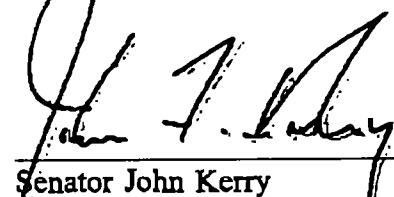
Senator Edward Kennedy

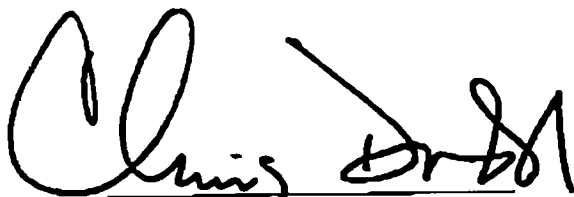


Senator Richard Durbin

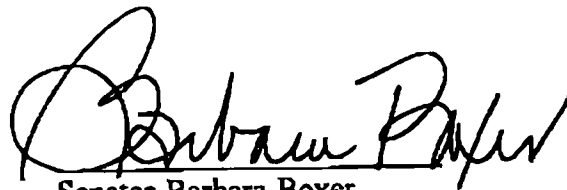


Senator Arlen Specter


Senator Daniel Moynihan
Senator Charles Robb
Senator Max Cleland
Senator Patty Murray
Senator Russell Feingold
Senator Paul Wellstone
Senator Ron Wyden
Senator Carl Levin
Senator Robert Kerrey
Senator John Chafee
Senator Herb Kohl
Senator John Kerry
Senator Joseph Lieberman
Senator Gordon Smith

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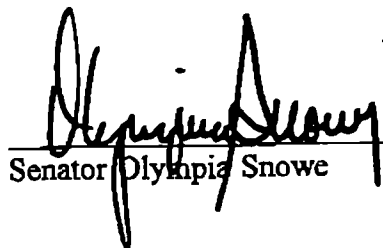
Senator Christopher Dodd

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Senator Barbara Boxer

A large, stylized handwritten signature in black ink, appearing to read "Dianne Feinstein".

Senator Dianne Feinstein

A large, stylized handwritten signature in black ink, appearing to read "Olympia Snowe".

Senator Olympia Snowe

A large, stylized handwritten signature in black ink, appearing to read "Alfonse D'Amato".

Senator Alfonse D'Amato

Organic mktg w/ ^{5/4/98} ~~agency~~

Organic - regulation

➔ 4/30 - comment closed

public perception - why & organic

Mktg vs. Safety

- FSIS -

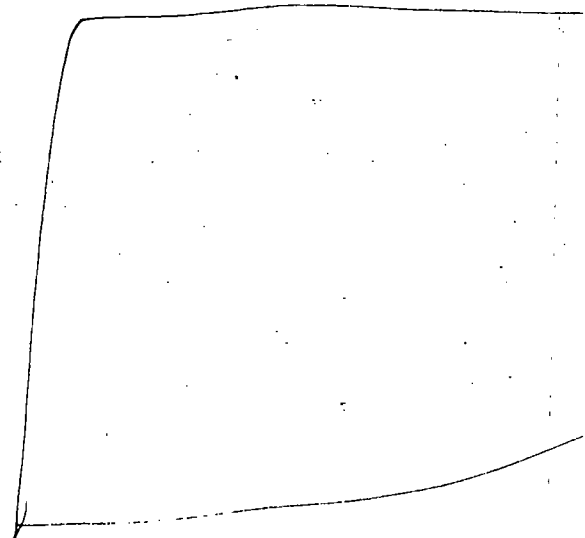
- ✓
- ✓ 3 encls, not aff'd prohibit (antibiotics)
- ✓ 6 prohibitions for 3 yrs.

800 pages



1. Substitute
educational
organics.

2. What is organic



Response what organic

① Should we keep going? NO? - EIR

② Should the new rule link to Safety?

OSTP, USDA, FDA

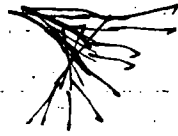
- Organic -

Arbuckle

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① heard alot

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③ Study of organisms - something better

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Student
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Tom and Lisa ---

Here's the final statement on organics. The Secretary intends to issue this at 9 am on Friday morning. We do not intend to do any media availability, and essentially will defer all questions on other issues pending an evaluation of the comments. Thus no other talking points are necessary.

As we discussed, the statement does not include reference to the Board submitting reports on new technologies, which we will include in the preamble, nor does it use the word prohibit, which we are likely to do in the regulation.

We will do the consumer survey separate and apart from this regulation. And we will not ask for comment on the privatization question.

Thanks for your help.

Eric

USDA To Make Fundamental Changes in Revised Proposed Rule On Organic Standards

Washington. May X, 1998 — Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the 200,000 comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue revised proposed standards, and we intend to do so. Most importantly, the revised proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices are being taken off the table and will not be included in our revised proposal."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

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and food produced with these products will not be all right
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The organic label*

DRAFT

May 5, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: ELENA KAGAN
SALLY KATZEN

SUBJECT: USDA's Proposed Organic Rule

In 1990, Congress passed the Organic Food Production Act which required the Department of Agriculture (USDA) to establish a national standard defining the use of the term "organic" for use on food products. The legislation was strongly supported by the organic industry which sought to involve the federal government in creating a unified organic standard, rather than the myriad of private and state-endorsed definitions. In December 1997, USDA published a proposed regulation to establish a national organic standard. Since that time, the proposed rule has been the subject of extensive criticism.

The primary complaint concerning the proposed rule has been that it does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." In the preamble to its proposal, USDA had requested comments as to whether foods using any of these techniques could be considered as organic. In response, USDA says it has received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking. The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. (Sample "Organic Hash From the USDA Kitchen"). Finally, 47 members of the House and 30 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule.

Current Status

Secretary Glickman plans to issue a press release this Friday, May 7th, (attached), indicating that USDA will repropose the rule and "make fundamental changes in the new proposed rule on organic standards." Specifically, the statement would indicate that biotechnology, irradiation, and biosolids are "being taken off the table and will not be included in our new proposal." Articles in the last week in USA TODAY, and the Washington Post have indicated that USDA is preparing such a statement.

Representatives of OMB and NEC have been concerned about USDA's plan to issue a statement taking these techniques "off the table." These agencies argue that consumers will likely view a product labeled as organic as safe, despite the fact that there is not evidence to demonstrate that organic food is any safer than non-organic food, or that genetically modified,

irradiated, or food grown using sludge is unsafe. OMB points out that organic material might be even worse in terms of some microbiological hazards, and supposedly organic foods have been and may in the future be linked to illnesses such as occurred in the Odwalla juice outbreak. OMB notes the danger of contradiction in Administration policy in areas such as biosolids (sludge) in which the Administration is on record supporting the safety of the product. These agencies *OMB* suggested that USDA consider modifying the organic label to include a provision stating something along the lines of "organic food may be no more or less safe than non-organic food" or that USDA continue its comment review process and not prematurely prohibit using the term organic for food using any of the three disputed techniques. *X*

USDA felt strongly that the label should not be modified and that a statement announcing a reproposal needs to be made promptly. USDA states that the organic label is not intended to signify the overall safety of the food, only the methods by which the food was produced, and that it will not advertise the label as having anything to do with safety. USDA notes that the disputed techniques are clearly not in keeping with the public's expectation of what constitutes organic. The Food and Drug Administration has expressed support for USDA's position.

Recommendation

g *q* *impl*
We recognize the need *to* for USDA to clarify its position on organics, and recommend that Secretary Glickman issue a clear statement indicating that biotechnology, irradiation, and sludge will not be part of the revised proposal. We suggest USDA not include the phrase "taken off the table," however, which may suggest they could never be considered. In addition, after discussions with OMB, OSTP, NEC, FDA and USDA we have agreed upon two additional measures that could ameliorate some concerns over safety. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard. *X*

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The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices are being taken off the table and will not be included in our revised proposal."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

“organic food may be no more or less safe than non-organic food” or that USDA continue its comment review process and not prematurely prohibit using the term organic for food using any of the three disputed techniques.

USDA responds that the organic label is not intended to signify the overall safety of the food, only the methods by which the food was produced. USDA argues that the disputed techniques are not in keeping with the public’s expectation of what constitutes organic. The Food and Drug Administration has expressed support for USDA’s position.

Recommendation

We recommend that Secretary Glickman issue a clear statement taking biotechnology, irradiation, and sludge off the table for purposes of the new rulemaking. In order to better understand how the labels will be used, OMB has suggested USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims. USDA has not objected to conducting such a survey. USDA has also agreed to insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard. In addition, we recommend that USDA raise for discussion in its next proposed rule the possibility that a private industry body be responsible for formulating a nationwide organic standard.

INSTITUTE OF FOOD TECHNOLOGISTS

Guiding Principles for Optimum Food Safety Oversight and Regulation in the United States

Introduction

The Institute of Food Technologists (IFT) applauds the efforts of Congress and the Executive Branch to improve food safety and recognizes the initiatives already taken throughout the food system to reduce the chances of foodborne illness. As the society for food science and technology, IFT represents 28,000 members who work throughout the food system, in industry, academia and government. IFT, which was founded in 1939, brings the scientific perspective to the public discussion of food issues.

IFT believes that the President's attention to food safety, the increased public concern about foodborne illness, and the open acknowledgement among policy-makers of the cumbersome nature of the present food safety system, provide fresh impetus for bold initiatives to improve the oversight of food safety. As an active participant in the food sector, IFT has identified several overarching principles that must form the basis for streamlined and updated oversight of the food system. The principles for appropriate oversight of food safety are that:

- Food safety and public health must be the primary purposes for oversight and regulation of the food system
- Secondary to safety and public health, oversight is appropriate to prevent fraud, promote health, foster global competitiveness of American food and agricultural products, and to ensure harmony among domestic and international food standards
- Oversight for food safety must encompass all components of the food system from production through distribution, imported and domestic foods, science and risk-based regulation for implementing policy, adequate provision for enforcement of regulations, food labeling, intramural research programs, education of regulatory personnel and the public, and communication with the regulated community
- Oversight and regulation must be based foremost on sound science and risk assessment, taking into consideration the costs and benefits of regulations
- Responsibility for oversight to assure food safety must be completely separate from marketing, promotional and industrial policies of all government agencies

- Scientific expertise from academia, industry, professional societies and other state and federal sources must be considered in the development of food policies and regulations
- Oversight policies must be developed in an open and transparent process that considers the views of consumers, producers, processors, retailers and other interested parties in assuring food safety and wholesomeness
- Regulatory agencies must work in cooperation with the regulated food industry to correct for non-compliance with established standards
- Government regulatory agencies must maintain strong and focused intramural research programs while drawing extensively on extramural research from academia, industry and other government/private sources
- Policies and regulations must be crafted with sufficient flexibility to facilitate timely responses to innovations in science and technology
- Oversight policies and regulations must be consistent across any and all agencies responsible for food safety
- Oversight policies and regulations must facilitate and ensure harmony among states and nations
- Safety of foods and ingredients must be based on product characteristics not the process by which the food was grown or produced; establishment of food processing and hygiene controls must be based on objective criteria

1.2.2 Guiding Principles and Objectives

This legislative review initiative is guided by a number of principles as outlined below. Legislation should:

- a) Contribute to consumer confidence relating to the safety of the food supply and the health of plants and animals;
- b) Facilitate market access both domestically and internationally while protecting against product misrepresentation and economic fraud;
- c) Be primarily based on and acknowledge the critical role of scientific evidence and risk assessment;
- d) Encourage a greater degree of collaboration and consultation between industry, federal departments and with other orders of government;
- e) Recognize that primary responsibility for food safety and animal and plant health remains with producers, processors and suppliers, backed up by effective control and enforcement by government; and
- f) Encourage a regulatory approach that covers the food production, processing, and distribution chain.

The Acts administered and/or enforced by CFIA include:

Food:

Canada Agricultural Products Act

Meat Inspection Act

Fish Inspection Act

Food and Drugs Act (all provisions related to food)

Consumer Packaging and Labelling Act (as it relates to food as defined in Section 2 of the *Food and Drugs Act*)

Agricultural Inputs:

Seeds Act

Feeds Act

Fertilizers Act

Animal and Plant Health:

Health of Animals Act

Plant Protection Act

Other- Framework /Administrative:

Canadian Food Inspection Agency Act

Agriculture and Agri-Food Administrative

Monetary Penalties Act

Plant Breeders' Rights Act.

The Task Force will prepare a plan for legislative renewal that will assist the Agency in achieving:

- a) a more uniform, consistent and comprehensive approach to safety and quality standards and related requirements, combined with the existence of efficient, effective and adequate compliance and enforcement mechanisms; and
- b) legislation that is current, coherent, rational and user friendly and allows for responsive and flexible administration.

In 1990, Congress passed the Organic Food Production Act which required the Department of Agriculture (USDA) to establish a national standard defining the use of the term "organic" for use on food products. In December 1997, USDA published a proposed regulation to establish a national organic standard. Since that time, the proposed rule has been the subject of extensive criticism.

The primary complaint concerning the proposed rule has been that it does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." In the preamble to its proposal, USDA had requested comments as to whether foods using any of these techniques could be considered as organic. In response, USDA says it has received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking. The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. (Sample "Organic Hash From the USDA Kitchen"). Finally, 47 members of the House and 30 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule.

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Recommendation

We recommend that Secretary Glickman issue a clear statement taking biotechnology, irradiation, and sludge off the table for purposes of the new rulemaking. In addition, after discussions with OMB, OSTP, NEC, FDA and USDA we have agreed upon a series of actions to ameliorate some of OMB’s concerns. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard.

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USDA responds that the organic label is not intended to signify the overall safety of the food, only the methods by which the food was produced. USDA argues that the disputed techniques are not in keeping with the public's expectation of what constitutes organic. The Food and Drug Administration has expressed support for USDA's position.

Recommendation

We recommend that Secretary Glickman issue a clear statement taking biotechnology, irradiation, and sludge off the table for purposes of the new rulemaking. In addition, after discussions with OMB, OSTP, NEC, FDA and USDA we have agreed upon a series of actions to ameliorate some of OMB's concerns. These include (1) having USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims, and (2) having USDA insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard.

Tom and Lisa ---

Here's the final statement on organics. The Secretary intends to issue this at 9 am on Friday morning. We do not intend to do any media availability, and essentially will defer all questions on other issues pending an evaluation of the comments. Thus no other talking points are necessary.

As we discussed, the statement does not include reference to the Board submitting reports on new technologies, which we will include in the preamble, nor does it use the word prohibit, which we are likely to do in the regulation.

We will do the consumer survey separate and apart from this regulation. And we will not ask for comment on the privatization question.

Thanks for your help.

Eric

DRAFT

May 5, 1998

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: BRUCE REED
ELENA KAGAN

SUBJECT: USDA's Proposed Organic Rule

In 1990, Congress passed the Organic Food Production Act which required the Department of Agriculture (USDA) to establish a national standard defining the use of the term "organic" for use on food products. In December 1997, USDA published a proposed regulation to establish a national organic standard. Since that time, the proposed rule has been the subject of extensive criticism.

The primary complaint concerning the proposed rule has been that it does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in food that could be labeled "organic." In the preamble to its proposal, USDA had requested comments as to whether foods using any of these techniques could be considered as organic. In response, USDA received almost 200,000 comments regarding the proposed rule, the most ever received for a USDA rulemaking. The rule has also been the subject of unfavorable editorials in many newspapers including the New York Times, the Washington Post, the Chicago Tribune, and the Los Angeles Times. (Sample "Organic Hash From the USDA Kitchen"). Finally, 47 members of the House and 30 Senators have signed letters to Secretary Glickman expressing concern about the proposed rule.

Current Status

Secretary Glickman proposes to issue a press release ^{on} this-Friday, May 7th, indicating that USDA will "make fundamental changes in the new proposed rule on organic standards." Specifically, the statement would indicate that biotechnology, irradiation, and biosolids are "being taken off the table and will not be included in our new proposal." Articles in the last week in USA TODAY, and the Washington Post have indicated that USDA is preparing such a statement.

Representatives of OMB and NEC have expressed disagreement with USDA's plan to issue a statement taking these techniques "off the table." These agencies argue that consumers will view a product labeled as organic as safe, despite the fact that there is ~~not~~ evidence to demonstrate that organic food is any safer than non-organic food, or that genetically modified, irradiated, or food grown using sludge is unsafe. These agencies have alternately suggested that the organic label be modified to include a provision stating something along the lines of

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USDA To Make Fundamental Changes in Revised Proposed Rule On Organic Standards

Washington. May X, 1998 — Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the 200,000 comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue revised proposed standards, and we intend to do so. Most importantly, the revised proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices are being taken off the table and will not be included in our revised proposal."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

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Recommendation

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DRAFT

May 5, 1998

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Current Status

Secretary Glickman proposes to issue a press release this Friday, May 7th, indicating that USDA will "make fundamental changes in the new proposed rule on organic standards." Specifically, the statement would indicate that biotechnology, irradiation, and biosolids are "being taken off the table and will not be included in our new proposal." Articles in the last week in USA TODAY, and the Washington Post have indicated that USDA is preparing such a statement.

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USDA responds that the organic label is not intended to signify the overall safety of the food, only the methods by which the food was produced. USDA argues that the disputed techniques are not in keeping with the public’s expectation of what constitutes organic. The Food and Drug Administration has expressed support for USDA’s position.

Recommendation

We recommend that Secretary Glickman issue a clear statement taking biotechnology, irradiation, and sludge off the table for purposes of the new rulemaking. In order to better understand how the labels will be used, OMB has suggested USDA and FDA conduct a survey on consumer attitudes towards organic food to determine whether consumers purchase organic products on the basis of unproven safety claims. USDA has not objected to conducting such a survey. USDA has also agreed to insert in the preamble of its new rule language indicating that the National Organic Standard Board should report regularly to the Secretary on possible uses of new technologies and whether they might meet an organic standard. In addition, we recommend that USDA raise for discussion in its next proposed rule the possibility that a private industry body be responsible for formulating a nationwide organic standard.

DRAFT

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U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

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FROM:

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☐ JOHN GIBSON, SPECIAL ASSISTANT
☐ GREG FRAZIER, CHIEF OF STAFF
☐ KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
☐ REBA PITTMAN EVANS, DEPUTY CHIEF OF STAFF, INTERNAL AFFAIRS
☐ PATRICK STEEL, DEPUTY CHIEF OF STAFF, EXTERNAL AFFAIRS
☐ JOSE VENZOR, ASSISTANT TO THE DEPUTY CHIEFS OF STAFF
☐ PAUL DRAZEK, SPECIAL ASSISTANT FOR POLICY
☐ ANNE KENNEDY, SPECIAL ASSISTANT FOR POLICY
☒ ERIC OLSEN, SPECIAL ASSISTANT FOR POLICY
☐ JANET POTTS, COUNSEL TO THE SECRETARY
☐ JOHN SPARKS, SPECIAL ASSISTANT FOR CIVIL RIGHTS

MESSAGE:

48 House. Senate letter13 coming soon + may have over 50.

**Congress of the United States
House of Representatives
Washington, DC 20515**

April 27, 1998

Honorable Dan Glickman
Secretary of Agriculture
Department of Agriculture
14th and Independence - 213-A
Washington DC 20250

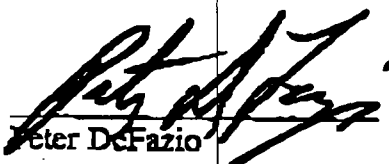
Dear Secretary Glickman:

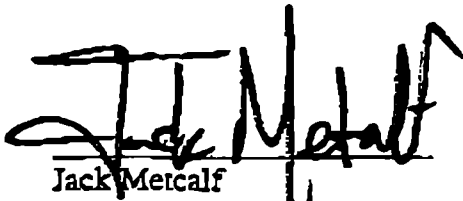
We are writing to express our concerns with the proposed standards for the National Organic Program. The USDA's proposed rule contradicts Congress' intent for the Organic Food Production Act (OFPA) of 1990 and runs counter to the demands of consumers and the organic industry. The OFPA was designed to create federal standards for organic production based on the historical practices of the industry and to provide protection for the consumers of organic food. Unfortunately, the proposed rule fails on both of these counts.

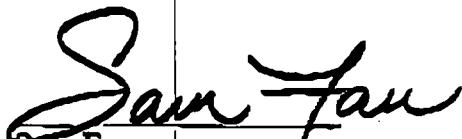
The proposed rule ignores many of the recommendations of the NOSB and allows production practices and materials which consumers of organic food overwhelmingly reject. It ignores the input of organic growers and consumers and sets the national standards far below any of the current state organic programs. Most state organic programs do not allow irradiated products, the use of sewage sludge, or genetically-engineered organisms. Attempting to include any of these items in the national standards is totally unacceptable.

An easily recognized national label, backed by a set of standards based on consumer preferences, could instill confidence and offer the protection consumers demand. However, the proposed rule is not consistent with consumer expectations and demands. The current proposal is so inadequate that many in the industry want the proposed rule withdrawn. Rather than starting over, we encourage you to work with the organic industry to revise the current proposal and give far more consideration to consumers' preferences and customary practices in the growing organic food market.

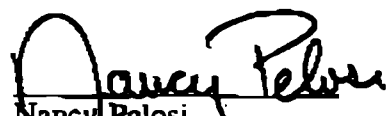
Sincerely,


Peter DeFazio
Member of Congress

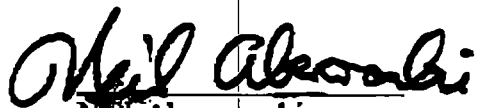

Jack Mercalf
Member of Congress



Sam Farr
Member of Congress



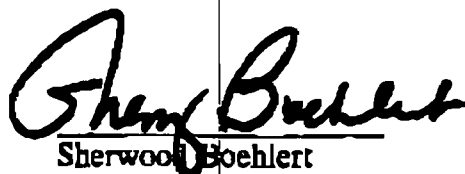
Nancy Pelosi
Member of Congress



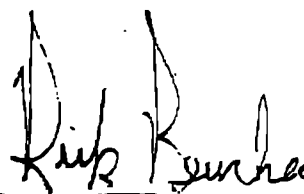
Neil Abercrombie
Member of Congress



Earl Blumenauer
Member of Congress



Sherwood Boehlert
Member of Congress



Rick Boucher
Member of Congress



James Moran
Member of Congress



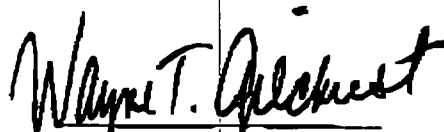
Lois Capps
Member of Congress



Benjamin Gilman
Member of Congress



David Minge
Member of Congress



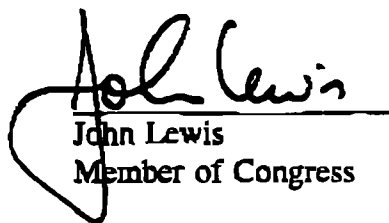
Wayne Gilchrest
Member of Congress



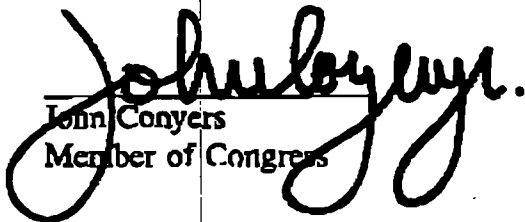
Frank Pallone Jr.
Member of Congress



Allen Boyd
Member of Congress



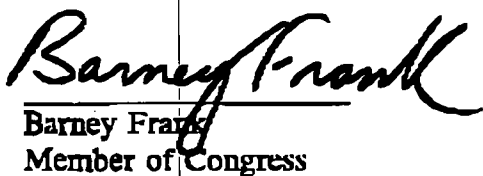
John Lewis
Member of Congress



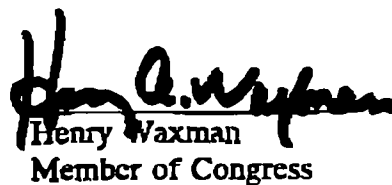
John Conyers
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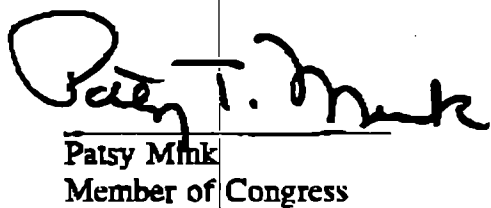
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Member of Congress



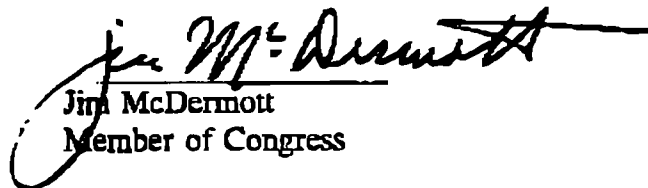
Barney Frank
Member of Congress



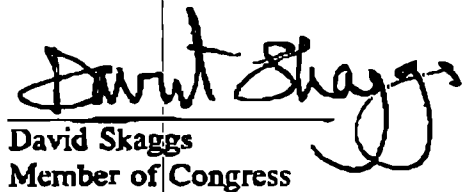
Henry Waxman
Member of Congress



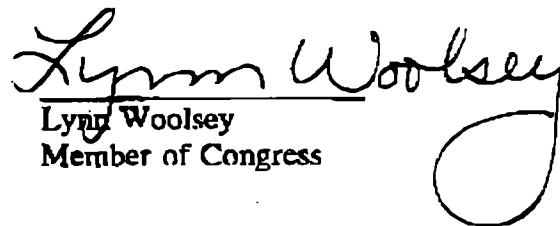
Patsy Mink
Member of Congress



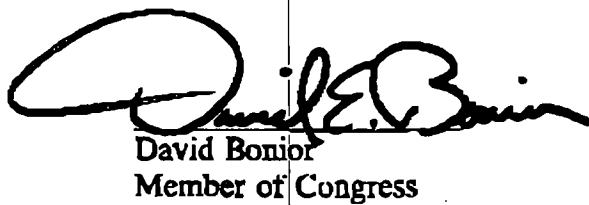
Jim McDermott
Member of Congress



David Skaggs
Member of Congress



Lynn Woolsey
Member of Congress



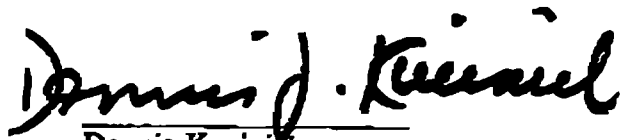
David Bonior
Member of Congress



Leonard Boswell
Member of Congress



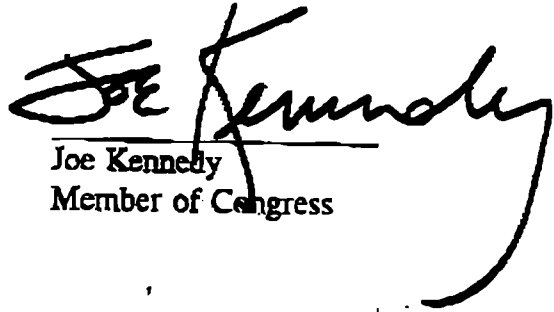
Lloyd Doggett
Member of Congress



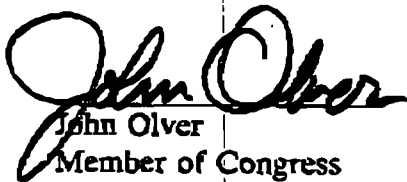
Dennis Kucinich
Member of Congress



Elizabeth Furse
Member of Congress



Joe Kennedy
Member of Congress



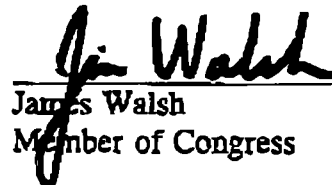
John Olver
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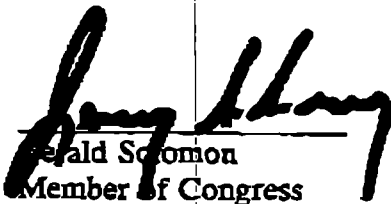
Thomas Allen
Member of Congress



Christopher Shays
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Gerald Solomon
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Charles Bass
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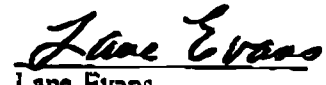


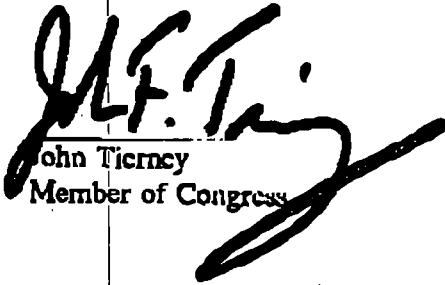
George Nethercutt
Member of Congress

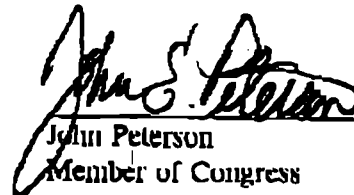


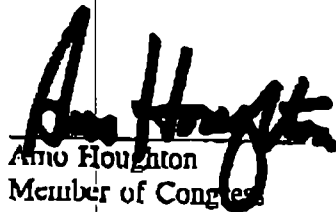
Fred Upton
Member of Congress

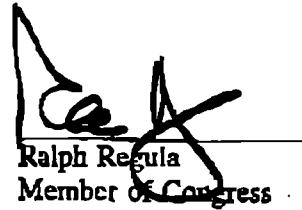

Marcy Kaptan
Member of Congress

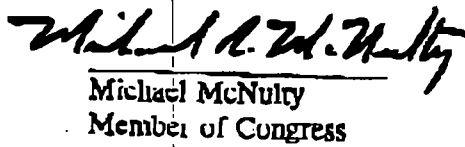

Lane Evans
Member of Congress

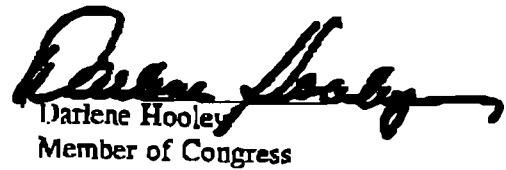

John Tierney
Member of Congress

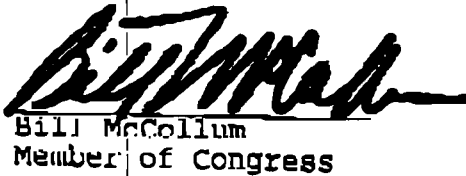

John Peterson
Member of Congress


Arno Houghton
Member of Congress


Ralph Regula
Member of Congress


Michael McNulty
Member of Congress


Darlene Hooley
Member of Congress


Bill McCollum
Member of Congress



U.S. DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

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 - ☐ KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
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MESSAGE:

Sec. will sign when he gets
back from lunch. I can tell already
that we will need help on this.



THE SECRETARY OF AGRICULTURE
WASHINGTON, D.C.
20250-0100

MEMORANDUM TO BRUCE REED AND GENE SPERLING

From: Secretary Dan Glickman

Subject: National Organic Standards Regulation

Over the past few months, the Department of Agriculture (USDA) has received extensive criticism in the national media regarding USDA's proposed rule establishing a national organic food standard, several examples of which I am attaching for your review. There is also a widespread national grassroots campaign against the proposed rule which has generated over 130,000 comments to date, nearly all of which are negative. The public comment generated by this rule has exceeded any that USDA has received on any rule for decades. There has also been significant bipartisan congressional concern raised about this proposal.

With 44 different State and private standards in place, the organic industry wants to establish a uniform national standard to ensure consistency as well as to promote international trade in organic food products. In 1990, Congress passed the Organic Food Production Act (OFPA), which requires the Department of Agriculture (USDA) to establish a national standard defining the use of the term organic on food products. ✓

USDA began the process of drafting rules and held extensive consultations regarding the content of the proposed national organic standard with the National Organic Standards Board, an advisory committee comprised of representatives of organic producers, processors, and consumers. On December 16, 1997, USDA published a proposed regulation to establish a national organic standard. ✓

Much of the criticism is focused on the fact that the proposal does not explicitly prohibit the use of genetically modified organisms, irradiation, and biosolids (sludge) in organic production. While these three issues have received the bulk of the attention, a number of other substantive concerns with the proposal have been raised, such as the use of antibiotics in livestock. Another fundamental issue to be resolved is whether the final rule should be a highly detailed, prescriptive regulation, which the organic industry seems to support strongly, or whether it should merely provide flexible performance standards along the lines of the proposed rule, which the Office of Management and Budget has in general advocated. ✓

In essence, the organic industry views the proposal as weakening or undermining existing standards in a way that threatens the meaning of the organic label, thereby endangering the viability of organic production and the profitability of their markets. Perhaps even more significant, however, is that the organic community also views the proposal as a breach of trust

by USDA and the Administration.

The comment period closes on April 30, 1998. In response to the requests of commenters, USDA intends to develop a new proposed rule for public comment. The process of evaluating the public comments and then redrafting and obtaining clearance of the entire regulation is likely to take several months.

I have publicly stated on many occasions that our organic standards will reflect changes based on public comment and that USDA's goal is to issue a final rule that organic growers and consumers will embrace. However, I am convinced that USDA needs to send a clear, specific message to the public and the organic community that we intend to make fundamental changes in the proposed rule, and I believe we need to send this message soon. To do otherwise risks further erosion of public confidence in the responsiveness and good faith of the Administration's efforts during the lengthy process of developing a new proposal.

I intend to issue the attached press release the week of May 4, 1998. My office has submitted the release for interagency clearance, and it is quite possible that there will be issues that may require the careful attention of the Administration.

I will call you soon to discuss this issue, and I will keep you posted on our progress.

cc: Jack Lew
Sylvia Matthews
Larry Stein

Attachments

DRAFT – NOT FOR DISTRIBUTION -- DOES NOT REPRESENT USDA POLICY**USDA To Make Fundamental Changes in New Proposed Rule On Organic Standards**

Washington. May X, 1998 -- Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the [170,000] comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue new proposed standards, and we intend to do so. Most importantly, the new proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture. However, they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these three issues are being taken off the table and will not be included in our new proposal."

Similarly, many of the [170,000] comments asserted that national organic standards must be rigorous and credible. Otherwise, consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the new proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the new proposal, which USDA will issue later this year and which will also be available for public comment. "This additional opportunity for public comment will assist us in crafting a rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

(121)

Organic Politics

WHAT IS IT with celebrities and food safety issues? First it was Meryl Streep testifying before Congress on Alar, stoking an apple-safety panic and the wave of weird "veggie libel" laws that have caused such trouble for Oprah Winfrey. Now the Agriculture Department reports that the singers Willie Nelson, Neil Young and John Mellencamp are among 115,000 people who have written or faxed comments complaining about the proposed definition of "organic" food in recently issued regulations. The rule, Agriculture Secretary Dan Glickman told the Associated Press, has drawn "more comments ... than on any rule in the history of the Department of Agriculture in modern times."

Country music stars may have little useful to say about the fine points of what foods should be permitted to be labeled "organic," but their presence does serve as index for an issue that has achieved what marketers call "breakout." The organic labeling fight has drawn a startling amount of attention, with denunciations in many media of a rule that, in this draft at least, would have allowed foods to be labeled organic even if they were genetically engineered or irradiated. The label also could be

used for foods grown in "sludge," which, to be sure, sounds less organic than "fertilizer," though that's basically what it is.

The agriculture department is caught in its customary bind between regulating the labeling of food products and representing the interests of the agriculture industry, which includes many large growers and packagers that engage in these practices and want a piece of the "organic" market. Its initial solution, to define the word loosely enough so that the big companies could use it too despite differences between their method and the competing ones, fell flat with an audience of Americans who manifestly want to know *exactly* what they are eating.

The point here is not whether genetic engineering, irradiation or the use of "sludge" is good or bad for you, nor whether the boutique all-natural or free-range foods actually are enough superior to warrant their higher cost (the very cost the big companies keep low by the use of chemicals and other less "natural" methods). The issue at this stage is merely whether people are being told what they want to know about the food they buy and eat. So far, it looks as if they aren't.

W. Post Editorial 4/28/98 A16

Revisiting the Rules on Organic Food (128)

In mid-December, the Department of Agriculture published its National Organic Program regulations, a set of proposed rules for production of organic food that would be the basis for a national organic certification program. The department also invited public comment until April 30. Reaction has been sharply critical, particularly from those most directly affected, like organic growers, organic processors and consumers who prefer organic food.

For decades, organic growers have endured virtual neglect by the Agriculture Department. That pattern remains unchanged. The new rules make it plain that the department listened harder to the voice of agribusiness, which has always derided organic agriculture, than it did to the people who have proved its incontestable worth.

If the rules enter law as they stand now, it will be a major setback for the organic community. Growers who try to distinguish their organic products from products grown under a less stringent,

but nationally certified standard will be prevented from using the word "organic" — a word whose meaning has been defined by their practices. Consumers will find that "organic" has come to mean something quite different from what they thought. The rules allow practices that no one calls organic, including irradiation, the use of sewage sludge as fertilizer and genetically engineered crops.

There is nothing wrong with a national organic certification program. But with these rules, there is plenty wrong. Over the last 50 years, the Agriculture Department, in tandem with agribusiness, has been nudging American farmers toward a set of agricultural practices that are as uniform as the plants in a field of soybeans. But a cardinal tenet of organic farming is that diversity is as essential to biological health as it is to cultural health. If the organic rules are passed as they stand, organic farming will certainly go on, but under a different name and with renewed bitterness.

N.Y. Times Editorial 4/13/98 A30

Editorial

The New York Times
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December 16, 1997

Reading the Organic Rules

Yesterday the Department of Agriculture announced a proposed set of Federal standards for organic food production and processing. Organic food has become big business in the last few years, but the definition of what "organic" means has been erratic. Some states, like California, have strict certification procedures for organic farmers. Others have none. The new National Organic Program will now provide a single set of rules, following guidelines developed over seven years by the National Organic Standards Board in consultation with organic farmers and the public.

Consumers commonly assume that the word "organic" describes a product -- a spear of organic asparagus, for instance, or a peck of organic Winesap apples. But the word actually describes a system of agriculture, a set of practices that is roughly outlined by the U.S.D.A.'s new National Organic Program regulations. Organic agriculture excludes the use of synthetic fertilizers and pesticides. More important, it strives for low environmental impact and enlists the interdependence of natural biological systems -- using cover crops, for instance, to increase soil fertility. The supermarket is full of foods whose labels tell the consumer almost nothing about the way they were produced. A food labeled "organic" under the National Organic Program rules will assure consumers that it was produced under a stringent set of guidelines. The very purpose of the label is to inform consumers about agricultural practice.

But the organic standard is only as good as the regulations that define it. In the National Organic Program's proposed rule, there are some troubling signs of vacillation and, perhaps, of industry or political pressure. The Agriculture Department, calling for further public commentary, has put off a final decision on several practices that the National Organic Standards Board had rejected after extensive public consultation. These include irradiation, the use of sewage sludge as fertilizer and the use of genetically engineered crops. Whatever the value of these technologies and practices may be, none are part of accepted organic practice, and each offers a beachhead within the program for major non-organic agricultural corporations.

Even the potential acceptance of these practices within the National Organic Program threatens to vitiate what is otherwise a commendable proposal. That would be a shame, for the Agriculture Department's new recognition of organic practices is indeed historic.

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ERIC

The Packer

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Feb 16, 1998

EDITORIALS

Bowing to pressure

More comment sought on organic rules

The U.S. Department of Agriculture's proposed rules for organic foods so far have drawn 6,000 public comments, many of them negative. In fact, the reaction has been so heavy that the agency has extended the comment period until the end of April. *Story, 3A*

The proposal, which will set national standards for organics and establish a regulatory framework, is in trouble. None of the organic organizations seems to like it. They are deeply troubled by the fact that the USDA, and specifically the Agricultural Marketing Service, wants to allow irradiation, genetically engineered plants and products, and municipal sewage sludge to be used in organic production.

Many in the organic community feel betrayed by this. They believe these processes and products are "foreign" to organic principles and will turn off consumers.

They may be right. While genetically engineered produce, and even irradiation, have become a part of the "conventional" food industry, the organic industry's whole reason for being has been based on low technology, environmental friendliness and an image of "purity" and simplicity. It doesn't take much imagination to understand consumers could be alienated if the "organic" produce has been grown with sewer residue, altered with "alien" genes and then zapped with radiation.

Some of these technologies will be a part of conventional agriculture. But the USDA ought to look closely at its organic proposals and modify them in light of strong opposition. Why approve final regulations that are unpopular with those being regulated?

Trade Press

OPINION

startribune.com

Opinion

Published Monday, April 27, 1998

Revise organic label proposals

The organic food movement has roots in both philosophy and science, and especially in the zone of belief where these agree. Philosophy holds that food produced without synthetic additives is preferable; science shows that many man-made fertilizers and pesticides pose risks to human health and the environment.

But philosophy and food science can also diverge, and in the fight over new national standards for what may be called organic, they sometimes do.

The debate goes beyond food quality. The organic market has tripled in size since 1990 and is now attracting the interest of large corporations; new rules will shape the future of competition in the industry. Producing an organic potato is no longer simple.

The national standards, being prepared by the U.S. Department of Agriculture, are intended to replace the current system in which organic foods are certified by any of 33 industry groups and 11 states (not including Minnesota), each using different definitions. The argument for a national approach is persuasive: Consumers are entitled to a uniform, reliable assurance of what they're getting when they buy "organic" food.

As a first step in preparing its rules, **USDA** took recommendations from a national panel of industry representatives, scientists and consumers. As a second step, it proposed major departures, prompting a storm of protest.

Some in the industry are calling for **USDA** to start over, even abandon the effort entirely. This would be a regrettable and wasteful outcome. The rules are not wholly wrongheaded, but they do need significant revision to ensure that in updating and broadening the standards for organic food, **USDA** does no harm to essential principles.

The foremost of those principles -- no synthetic additives -- is threatened by potential redefinition of permissible agricultural chemicals and residues, by a loosening of the rules for livestock feed and by a more tolerant approach to pesticide "drift" from nearby nonorganic farms. Similarly, **USDA** takes the wrong approach in proposing to change the safety standard on certain farming practices -- permitting them until shown to be harmful, rather than prohibiting them until shown to be safe.

Of the four major areas in which **USDA** has reserved judgment, two are especially troublesome. Fertilization with sewage sludge of unknown chemical content is plainly offensive to the notion of organically grown food; so is a liberalized rule for nonmedical use of drugs in livestock.

Revise organic label proposals

Page 2 of 2

But in the other two areas — genetic engineering and irradiation -- organic purists are relying more on philosophy than science, and their arguments are unconvincing. Irradiation has been shown to be a safe and effective, if "unnatural," tool for preserving food. And genetic manipulation of food is arguably an extension of such centuries-old techniques as selective propagation, hybridization and grafting.

Of course, some shoppers may prefer to avoid irradiated or genetically engineered food, and **USDA** should not interfere with that choice. Nothing in the new national standard should prevent food producers from adhering to still stricter principles, and labeling their products accordingly.

startribune.com

Opinion

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Irradiated, sure, but organic

Wapo Star Tribune Commentary
Proposed rules

would have made
word meaningless

By Ellen Goodman 4/24/98
Boston Globe 124 A13

BOSTON — This is not your everyday political event. How often does a grass-roots movement ask the government to regulate its own enterprise? When was the last time small operators rose up to bitterly complain that government rules and regulations weren't strict enough?

But this is the upside-down nature of a food fight that has erupted between the U.S. Department of Agriculture and the organic farming community.

Ever since December when the USDA released the first-ever proposals for minimum standards for organic foods, a full-scale debate has been raging about the meaning of the "O" word. Now, an astonishing 101,000 farmers and chefs, and consumers and environmentalists have developed an appetite for protest. In the face of an April 30 deadline for comments, they have registered deep disapproval of the agency's taste.

This story of "O" began, in the best biblical tradition, with an apple. In the alar scare of 1989-90, people became alarmed about chemicals. Suddenly, a bumper crop of apples appeared on the market bearing the label "organic."

Organic farming, which once exuded the aura of a hippie enterprise with lethargic and overpriced vegetables, was just becoming a full-fledged alternative. The apples of dubious "organic" origin convinced many in the disparate community that they needed a national standard to prevent fraud, and maintain consumer confidence.

These farmers were always wary of involving the USDA, an agency which, to put it gently, has been a bastion of conven-



Organic farmer George Bass, of Hubbardston, Mass., in the barn with his Rhode Island Red chickens. New York Times

tional farming and a buddy of agribusiness. But with the help of Vermont's Sen. Patrick Leahy, the Organic Foods Production Act was passed in 1990 to determine minimum standards. Farmers, consumers, scientists and environmentalists spent four years working out an agreement on the definition of organic.

Then the USDA stepped in, to fulfill their worst fears. In the tradition of the "fox guarding the henhouse," the agency proposed to lower these standards.

The USDA rules would, for example, allow lettuce fertilized with sewage sludge, genetically engineered pigs and irradiated radicchio to carry the label "organic." They would allow a chicken that had never seen the light of day, let alone a free range, to carry an "organic" tag.

These giant loopholes in the "O" are big enough to drive a truck through. "We'd have Tyson's Organic Chickens before you could blink an eye," says Margaret Mellon of the Union of Concerned Scientists. "It

would doom the word organic."

If the Department of Agriculture is surprised by the huge outrage, that in itself is not surprising. The department's bias toward conventional farming is long and deep. Organic farming is now a \$4 billion business growing by 20 percent a year. But its success is taken as a rebuke to the factory-farming, supermarket-to-the-world agribusiness that is now the rule.

It is widely believed that the folks marketing sludge, promoting genetic engineering or irradiation got the USDA's ear because they want to piggyback onto the good name of "organic" to mute controversies here and abroad.

We can debate the safety of genetic engineering till the cloned cows come home, but it fits no image of organic farming. This food fight is not just about safety of the product. It's about the process of farming.

As Kathleen Merrigan of the National Organic Standards Board puts it, "We want a label

that connects people to how their food is produced. We want to give people a way to be sure their food was produced by people who are walking lightly on the earth."

Americans have a nostalgic and primal relationship to the farm. But now agriculture, like so many other parts of the economy, is going in two directions.

The larger trend is to consolidate farmland as if it were a megabank. It's to industrialize farming, and mass produce identical products on a land factory. The sturdy but smaller trend is toward diversity, toward sustaining the land.

Today organic farms are not just food boutiques, trendy little supply centers for people who are willing to pay more for mesclun greens. They are the labs, the models, the alternatives.

The USDA has done little to promote organic farms. But if these proposals are put into law, organic will have lost any meaning. The "O" in the O-word will stand for Zero.

State of New York
Legislative Resolution

Assembly No. 1838



BY: M. of A. Gromack, Parment, Phaffer, Christensen, Hochberg and Prentiss

CALLING upon the Secretary of the United States Department of Agriculture to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses

WHEREAS, This Assembled Body calls upon the Secretary of the United States Department of Agriculture (USDA) to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses; and

WHEREAS, Consumers choose organic foods because of their heightened concerns about food, the environment and health; the current proposed federal organic food rules would allow soil application of sewage sludge, irradiation, genetically modified organisms, and other products and processes that are unacceptable to the majority of both consumers and producers of organic food in the State of New York; and

WHEREAS, The USDA proposal would also impose significant fees on New York organic certifying organizations and small growers that could seriously damage this expanding segment of the New York agriculture and food industry; the standards put forth in the USDA rules would not meet most international requirements and therefore limit export opportunities for organic food businesses; and

WHEREAS, The standards originally developed by the USDA National Organic Standards Board, which was formed as part of the 1990 Organic Foods Production Act, are largely acceptable to the organic community and the Secretary of the United States Department of Agriculture should consider using them for the final rules; and

WHEREAS, If the federal standards are not changed to meet the New York organic community's recommendations, this Assembled Body requests that the final federal rules allow for the establishment of a state organic program that will be acceptable; and

WHEREAS, Organic food sales are the fastest growing segment of the food industry and there is a need for standardization to allow consumers to make informed choices; however, organic food consumers, experienced growers and organizations representing consumers and growers should have the most significant input into federal guidelines that will determine the meaning of organic for years to come; now, therefore, be it

RESOLVED, That this Legislative Body pause in its deliberations to urge the Secretary of the United States Department of Agriculture to rework the proposed rules for the National Organic Program to meet the needs and interests of New York State consumers, organic farmers and food businesses; and be it further

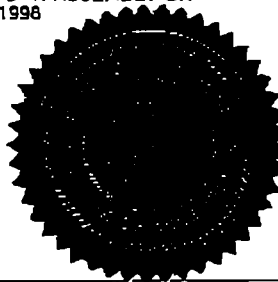
RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to the Secretary of the United States Department of Agriculture

ADOPTED IN ASSEMBLY ON
April 1, 1998

By order of the Assembly,

A handwritten signature in cursive script that reads "Francine M. Misasi".

Francine M. Misasi, Clerk



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Los Angeles Times

BUSINESS & TECHNOLOGY

FRI 4/17/98

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Northern Light

Friday, April 17, 1998

HEARD ON THE BEAT / FARMING AND FOOD

A Growing Controversy

■ Organic Food Folks Fight Federal Plan

By MARTHA GROVES, Times Staff Writer

The verdict is in, and the state's farmers and environmentalists have found the U.S. Department of Agriculture guilty.

Guilty, that is, of proposing regulations for the nation's organic food business that ignore the industry's practices, philosophy and desires.

At a rally Thursday in Sacramento, leaders of the state's organic farming and food community railed against the proposed rules, demanding that the USDA go back to the drawing board. Otherwise, they said, the federal government risks undermining California's 8-year-old organic farming law, one of the nation's strongest.

"We don't want them to amend this proposal," said Joan Clayburgh, a spokeswoman for Californians for Pesticide Reform, a San Francisco organization that espouses organic farming methods. "We want them to throw it out."

Organic activists in California aren't alone in their opposition. The USDA has been swamped with more than 100,000 letters, postcards and e-mails, most of them highly critical of the rules. The agency appears to be getting the message. For several weeks, U.S. Agriculture Secretary Dan Glickman has been reassuring grower groups that changes will be made. The USDA published its proposal in December after seven years of haggling and information-gathering. The outpouring of opinion prompted the agency to extend the public-comment period for the rules to April 30.

About 70,000 of the responses are form letters, including 16,000 from readers of Organic Gardening magazine and 34,000 from customers of Working Assets, a San Francisco company that sells long-distance phone service and gives part of its revenue to socially responsible groups.

The agency has also heard from leading organic food companies, including Pavich Family Farms, growers of organic grapes, raisins and nuts, based in Terra Bella; Horizon Organic

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Dairy in Boulder, Colo.; and Cascadian Farm, a producer of frozen desserts, vegetables and other items, based in Sedro-Woolley, Wash.

And it has gotten an earful from the growing ranks of customers of natural food chains such as Wild Oats and Whole Foods Market(~~QUOTE.COM~~), which have distributed pamphlets to mobilize grass-roots support.

In particular, food processors and retailers are critical of what they see as three key stumbling blocks: irradiation, biotechnology and the use of sewage sludge as fertilizer. As the proposal stands, those three processes would not be outlawed--contrary to the vociferously stated wishes of the industry. Activists have charged that the rules were designed to accommodate agribusiness concerns, which see the \$3.5-billion organic food industry as a hot growth area.

Industry leaders say the agency could save itself time and trouble by adopting the recommendations of the National Organic Standards Board, a panel established by law in 1990 to advise the USDA. In preparing its proposal, the agency largely ignored the board's suggestions.

In a letter to Glickman early this week, California Agriculture Secretary Ann M. Veneman said the state Department of Food and Agriculture would be submitting records from four public hearings held on the issue throughout the state in January, February and March. She urged the agency to "revise the rule to ensure a strong organic program."

Mail-Order W(h)ine

California wine retailers are puzzling over the latest wrinkle in a long-running battle over direct-mail wine sales.

Earlier this month, the U.S. Supreme Court chose not to take up a legal battle between mail-order "wine clubs" and states over the regulation of alcoholic beverage sales. Without comment, the court let stand rulings that rejected Florida's effort to sue in federal court to stop what state officials call "illegal interstate bootlegging."

At least one Southern California wine retailer was hopeful that the action would make it legal to ship wine to Florida customers.

Not so. It simply means that the high court is leaving the matter up to the states. Florida still has a law making it a felony for wineries or retailers to ship wine directly to customers in the state.

"We'll continue to have to fight them," said Ron Loutherbach, proprietor of three Wine Club retail shops in California.

Florida had sued Wine Club (which is a retailer, not a wine club per se) and three other vendors over direct shipments, saying they failed to pay various state taxes and fees. A federal judge

Food Safety
Organic
- GW

A10

WEDNESDAY, APRIL 29, 1998

LOS ANGELES TIMES EDITORIALS



MARK H. WILLES, *Publisher*

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MICHAEL PARKS, *Editor and Senior Vice President*

JANET CLAYTON, *Editor of the Editorial Pages and Vice President*

'Organic' Integrity

New food standards should respect consumers' notions

Last December, the U.S. Department of Agriculture proposed the country's first-ever organic food standards and then set them aside for a period of public comment. That period, which ends Thursday, would be better characterized as a time of public thrashing. The department received a record 125,000 letters denouncing its proposal to include under the "organic" category some foods fertilized with sewage sludge, zapped with radiation or genetically engineered to resist pests.

Agriculture Secretary Dan Glickman, reportedly chastened by the protest, is now revising the standards. The practices in dispute do have their dangers: Irradiation kills bacteria but also alters the taste of some foods and produces radioactive waste that must be disposed of; sewage sludge often contains heavy-metal toxins like cadmium and lead; genetically altered plant seeds, while holding promise as a possible alternative to pesticides, could be misused in ways that would create "super-bugs."

But the bottom line is that these practices simply go against what most Americans expect of organic food and what the USDA's own advisory board, an appointed panel of organic farmers, scientists, environmentalists and consumer representatives, recommended last year.

There are also some provisions worth fighting for in the USDA proposal. One would

require regulatory oversight of organic producers. Some organic farmers voluntarily submit to certification, but since they hire the certifiers themselves, there is an obvious conflict of interest. The proposed federal law would improve on this, requiring organic farmers to pay a \$50 yearly fee that would fund federal inspectors and an accreditation system for the private certifiers.

The definition of what's organic is no longer of interest just to a few vegetarians and foodie purists. The organic market is booming, with \$4 billion in revenues nationwide last year, up from \$173 million in 1980. Those figures will no doubt increase with the escalation of controversy over the safety of pesticides used on non-organic crops.

Last week, the Natural Resources Defense Council issued a report contending that nine out of 10 younger American children are exposed to dangerous levels of organophosphate insecticide residues in their foods. Agriculture industry leaders challenge the report, claiming the levels actually are far too low to be toxic. But the debate has been ratcheted up a notch.

One thing is certain: If the label "organic" is to be trusted by consumers, meaningful standards must apply. The USDA should insist on regular inspections and use ordinary common sense in defining organic practices.

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LOS ANGELES TIMES EDITORIALS



MARK H. WILLES, *Publisher*
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But the bottom line is that these practices simply go against what most Americans expect of organic food and what the USDA's own advisory board, an appointed panel of organic farmers, scientists, environmentalists and consumer representatives, recommended last year.

There are also some provisions worth fighting for in the USDA proposal. One would

require regulatory oversight of organic producers. Some organic farmers voluntarily submit to certification, but since they hire the certifiers themselves, there is an obvious conflict of interest. The proposed federal law would improve on this, requiring organic farmers to pay a \$50 yearly fee that would fund federal inspectors and an accreditation system for the private certifiers.

The definition of what's organic is no longer of interest just to a few vegetarians and foodie purists. The organic market is booming, with \$4 billion in revenues nationwide last year, up from \$173 million in 1980. Those figures will no doubt increase with the escalation of controversy over the safety of pesticides used on non-organic crops.

Last week, the Natural Resources Defense Council issued a report contending that nine out of 10 younger American children are exposed to dangerous levels of organophosphate insecticide residues in their foods. Agriculture industry leaders challenge the report, claiming the levels actually are far too low to be toxic. But the debate has been ratcheted up a notch.

One thing is certain: If the label "organic" is to be trusted by consumers, meaningful standards must apply. The USDA should insist on regular inspections and use ordinary common sense in defining organic practices.

A Bad Idea on Highways

THE HIGHWAY bill now in conference is going to call for a mighty spending increase over the next six years. That much is clear. Not clear—and the principal issue before the conference—is whether the increase will merely be authorized or to some extent guaranteed. The highway lobby wants a guarantee. It would do damage to other federal programs or budget discipline or both to let it have its way.

House Transportation and Infrastructure Committee Chairman Bud Shuster is the leading figure in the dispute. As he has many times before, he seeks not just an increase but a carve-out for transportation spending. The proposal has taken different forms from year to year, but they boil down to the same thing. Highway spending would come off the top, subject only to gasoline tax collections and the balances in the highway trust fund. As a practical matter, though never in so many words, it would be exempt from the budget constraints affecting other programs. In theory, if total spending had to be reduced to meet budget targets, the highway program could be cut like any other. But the budget rules would be written in such a way as to make that unlikely to occur.

The latest variation on the theme is to make highway spending a separate appropriations category. Currently there is a single cap on almost all domestic appropriations. The annual cap is tight; that's how the president and Congress balanced the budget last year while granting a tax cut and protecting such functions as Social Security and defense. The transportation programs have to compete with education, parks, the veterans' apparatus, law enforcement and all the rest for a shrinking dollar. Giving them their own generous cap together with their own source of revenue walls them off from these competing claims.

The House highway bill included a somewhat different provision making highways a separate empire. The Senate bill has none. What happens in conference may depend in part on the administration. The president has rightly said that transportation, while important, ought not be allowed to crowd out other programs, but he has been careful thus far not to threaten a veto of the popular highway bill. This is an issue on which a veto is justified. Mr. Clinton jeopardizes large parts of his own agenda—not just spending but the ability to control it—if he lets this one pass.

The Fletcher Nomination

PRESIDENT CLINTON nominated William A. Fletcher to the U.S. Court of Appeals for the 9th Circuit three long years ago. Mr. Fletcher, a well-reputed professor of law, still has not seen a vote. Tomorrow he will have a hearing before the Senate Judiciary Committee. He should be confirmed swiftly.

No serious question has been raised about Mr. Fletcher's qualifications. Sen. John Ashcroft (R-Mo.) has offered the denunciation of him as a judicial activist, but the bigger problems have been political considerations that have nothing to do with Mr. Fletcher's likely performance on the bench. There is, to start, the small matter of his mother—Judge Betty Binns Fletcher—a noted judicial liberal who already sits on the 9th Circuit. Senate Republicans raised a century-old anti-nepotism law that they claim precludes the mother and son from sitting on the court together—although other family pairs have done so before without raising problems under the law.

Mr. Fletcher is an old friend of Mr. Clinton, a fact that has done him no favors. His

nomination also got caught up in a battle by Sen. Slade Gorton (R-Wash.) to get more of a say in federal judicial nominations in his home state, where Judge Betty Fletcher sits.

The concessions that may make Mr. Fletcher's nomination finally go through are not a model of how the nominations process should work; they amount, in fact, to a considerable capitulation. Betty Fletcher agreed in 1996 to take senior status when her son gets confirmed. Her seat on the court, the White House has since agreed, will go to a conservative Washington state Supreme Court justice named Barbara Durham—a favorite of Sen. Gorton. There is now, in other words, no longer any reason to keep Mr. Fletcher in limbo. The rate of judicial confirmations has picked up in recent months, to the credit of Judiciary Committee Chairman Orrin Hatch (R-Utah), who supports Mr. Fletcher's nomination. As of the beginning of this week, 20 judges had been confirmed this year. Some nominees, however, are still languishing far too long without getting a vote. Mr. Fletcher is the most extreme case, one the Senate should correct.

The Washington Post

TUESDAY, APRIL 28, 1998

Organic Politics

WHAT IS IT with celebrities and food safety issues? First it was Meryl Streep testifying before Congress on Alar, stoking an apple-safety panic and the wave of weird "veggie libel" laws that have caused such trouble for Oprah Winfrey. Now the Agriculture Department reports that the singers Willie Nelson, Neil Young and John Mellencamp are among 115,000 people who have written or faxed comments complaining about the proposed definition of "organic" food in recently issued regulations. The rule, Agriculture Secretary Dan Glickman told the Associated Press, has drawn "more comments ... than on any rule in the history of the Department of Agriculture in modern times."

Country music stars may have little useful to say about the fine points of what foods should be permitted to be labeled "organic," but their presence does serve as index for an issue that has achieved what marketers call "breakout." The organic labeling fight has drawn a startling amount of attention, with denunciations in many media of a rule that, in this draft at least, would have allowed foods to be labeled organic even if they were genetically engineered or irradiated. The label also could be

used for foods grown in "sludge," which, to be sure, sounds less organic than "fertilizer," though that's basically what it is.

The agriculture department is caught in its customary bind between regulating the labeling of food products and representing the interests of the agriculture industry, which includes many large growers and packagers that engage in these practices and want a piece of the "organic" market. Its initial solution, to define the word loosely enough so that the big companies could use it too despite differences between their method and the competing ones, fell flat with an audience of Americans who manifestly want to know *exactly* what they are eating.

The point here is not whether genetic engineering, irradiation or the use of "sludge" is good or bad for you, nor whether the boutique all-natural or free-range foods actually are enough superior to warrant their higher cost (the very cost the big companies keep low by the use of chemicals and other less "natural" methods). The issue at this stage is merely whether people are being told what they want to know about the food they buy and eat. So far, it looks as if they aren't.

Thank You, Warren Helm

WARREN HELM won't be able to read this, but perhaps his family and friends will. It is important for them to know that the act of selflessness that cost Warren his life also won the appreciation of more than the homeless man who lives today because of him.

Warren Helm's life came to an end on 14th Street NW early one morning last month when he stopped to help a stranger—a homeless man at a bus stop—who was being beaten by eight thugs for no apparent reason. Mr. Helm easily could have passed up the trouble. After all, he was riding in a car with three friends when they came upon the attack in progress. He was, however, a theology student at Virginia Union University in Richmond who believed, as he reportedly said to his fellow passengers at the time, "We can't just let this happen." So he and his friends got out of the car and yelled for the attackers to stop. The attackers instead turned on Mr. Helm and his outnumbered friends, chasing them back to the car. Warren Helm didn't reach the car in

time. The gang pursued him through the streets; motorists in passing cars ignored his pleas for help as he banged on their windows. One law enforcement force told staff writer Avis Thomas-Lester, "They just left him alone to face that mob."

With the help of gang members in another car, Mr. Helm was cornered in the 1800 block of 14th Street. And there the execution began: He was punched, kicked and stabbed repeatedly until a car with three people stopped and diverted the attackers' attention. By the time police cars arrived on the scene and transported his battered body to Howard University hospital, where life-saving efforts were made, it was too late.

Warren Helm's mother, Sheila Graves, human resources director for the D.C. public schools, said if her only son had to die, it was fitting that he died trying to help someone. "It was" she said "part of his nature to help people." At this moment, a grateful city owes a heartfelt "thank you" to Warren Helm.

The Washington Post

TUESDAY, APRIL 28, 1998

04/29/98 WED 08:39 FAX 202 224 9518

US SEN JUD CMTE

NO. 525

P. 1/1

APR. 29, 1998 8:45AM LEAHY MONTEPELIER

Of course

Trusting the label

The ideal of democracy is that an informed and engaged public shapes the actions of politicians, resulting in fair and honest government.

Reality often falls short of this ideal, but lately there has been a heartening example of democracy working. Misguided federal rules over organic food are likely to be overturned because of sustained public outcry.

Vermonters can take pride in their role in this turnaround. They can also assure that it will happen, by speaking out this week.

Organic products are a fast-growing segment of the American diet. Once confined to knobby apples and small tomatoes, organic farming has flourished into a \$3.5 billion industry.

**The public outcry
against weak organic
food standards
provide a heartening
case of effective
democracy**

Vermont, with its reputation for wholesome products, has benefited from nationwide interest in foods produced without chemicals, artificial fertilizers and the like. Some 170 organic farms now operate in this state.

However, that surging market also appealed to growers who use less than holistic methods. The word "organic" on a label — much like the word "lite" a decade ago — was no assurance. That's why, in 1990, U.S. Sen. Patrick Leahy introduced a bill to establish organic standards, through a national board that would set stringent quality controls.

The board did a fine job and handed its proposals to the U.S. Department of Agriculture. That's when things went awry. The USDA left three practices unresolved: the use of radiation to extend foods' shelf

To comment

To comment on the proposed organic food rules, write to Eileen Stommas, Deputy Administrator, USDA-AMS-TM-NOP, Room 4007-G, Ag Stop #275, PO Box 96456, Washington, DC 20080; or fax to 202-690-4832; or email to <http://www.ams.usda.gov/nop>.

life, genetic engineering of crops, and the use of treated sewage as fertilizer. All three clearly contradict the notion of what is natural.

But that's where the great story begins. Since the USDA began accepting public comments on its plan, it has received more responses than on any prior issue. The latest estimate was 161,000 comments.

Vermonters have joined the chorus, from the petition signed in Randolph recently, to the public statements by the Professional Chefs and Restaurateurs of Vermont. People understand that organic foods must meet high production standards.

All three members of Vermont's congressional delegation were outspoken, too. On Thursday, the final day of the comment period, Leahy and U.S. Sen. James Jeffords will present Agriculture Secretary Dan Glickman with a letter, signed by 27 senators, urging stricter organic guidelines. Under such a broad onslaught, Glickman cannot resist.

Two lessons come to mind: First, people take food quality seriously — even personally. Losing the confidence an organic label provider is unacceptable. Second, when the public speaks so emphatically, Washington can only obey.

Of course, Vermonters should not be shy about using the remaining day of the comment period, to put the icing on the organic cake. Opinions mailed, faxed or e-mailed by Thursday will join the growing count.

Not everyone eats organic food products, but everyone does live in this democracy. It's always a pleasure to see when it works.

THE WASHINGTON PRESS PRESS IN WASHINGTON, APRIL 29, 1998

NATIONAL ORGANIC STANDARDS BOARD

October 5, 1998

Thomas L. Freedman
Special Assistant to the President
and Senior Director for Policy Planning
Office of Policy Development
Domestic Policy Council
Room 213
Old Executive Office Building
The White House
Washington, D.C. 20502

Dear Tom:

On behalf of my fellow board members, Carolyn Brickey and Kathleen Merrigan, I am writing to express our appreciation for the time you spent with us discussing our concerns about national organic standards.

As chairman of the National Organic Standards Board (NOSB), I am doing everything I can to provide the advice and assistance of the NOSB that USDA needs to craft a new rule that reflects the high standards the organic industry wants and the consumer expects.

We would be happy to provide you and your staff with any additional information that would prove helpful to you. We welcome your assistance in assuring that the process is as fair and as swift as possible.

As we discussed, the most significant issues include protecting the role of the NOSB to approve any synthetic substances to the list of compounds, which may be used in organic production. Because of the controversy surrounding the possible addition of substances that may demean the integrity of organic products, Congress provided this trust to the NOSB.

Another concern is that appropriate tough standards be adopted for livestock products that are labeled "organic." The content of feed, use of antibiotics, and the access of animals to outdoor surroundings are important issues to be resolved.

Accreditation and certification of inspectors and systems and the enforcement of the National Standard is also a top priority that must be addressed. Finally, the level of fees for certifiers remains critical. If fees are too high, the program will not be viable.

The last time around USDA and the Administration simply missed the mark. Part of the problem was that the context and culture of the organic industry's support for national standards were not well understood by all of the entities involved in development of the rule. This is an industry that asked to be regulated, but only if the standards were high enough to protect the integrity and content of organic products. The Proposed Rule set the sights too low and 280,000 comments indicate the public judged it a failure.

Some good news - Dr. Enrique Figueroa, along with Eric Olsen, have followed up and pressed for policy papers that we can discuss at the October 27-29 NOSB meeting in Washington. We have received approval of such a process for Keith Jones, National Organic Program Director, to develop these papers and present them to the NOSB for discussion and comment. We are very appreciative of their help.

I am optimistic that working together we can maximize our resources the second time around. As I said in the meeting, it is essential that we erase the suspicion of government that was triggered by the Proposed Rule. Thank you again.

Sincerely,

A handwritten signature in black ink that reads "Robert B. Anderson". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Robert B. Anderson
Chairman
National Organic Standards Board

cc: Kathleen Merrigan, Vice Chair
Carolyn Brickey, Board Member

Dr. Enrique Figueroa
Administrator, Agricultural Marketing Service

Eric Olsen
Counsel to the Secretary for Domestic Policy

Keith Jones
Director, National Organic Program

Office of Cabinet Affairs

interofficerouting slip

Date:

5/8

TO: ☐ ERSKINE BOWLES 1FL WW ☐ KATIE McGINTY 360 OEOB
☒ SYLVIA MATHEWS 1FL WW ☐ CHERYL MILLS 2FL WW
☐ JOHN PODESTA 1FL WW ☐ MINYON MOORE 115 OEOB
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☐ THOMAS F. McLARTY GFL WW
☐ MICHAEL McCURRY 1FL WW

FROM: KRIS M. BALDERSTON

RE:

USDA Press Release on the Organic Standards

- ☒ For your information
☐ For appropriate action
☐ Please respond with your comments by _____
☐ _____

If you have any questions, please call me (6-2572). Thank you for your consideration.



NEWS RELEASE

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Release No. 0205.98

Andy Solomon (202) 720-4623
andy.solomon@usda.gov
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USDA TO MAKE FUNDAMENTAL CHANGES IN REVISED PROPOSED RULE ON ORGANIC STANDARDS

WASHINGTON, May 8, 1998—Agriculture Secretary Dan Glickman announced today that the U.S. Department of Agriculture will make fundamental revisions to its proposed national organic standards as a result of the 200,000 comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue revised proposed standards, and we intend to do so. Most importantly, the revised proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture, but they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these products and practices will not be included in our revised proposal, and food produced with these products and practices will not be allowed to bear the organic label."

Similarly, many of the comments asserted that national organic standards must be rigorous and credible. Otherwise, commenters expressed concern that consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed," Glickman said. "Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry."

-more-

Before publishing the revised proposal, USDA will evaluate the comments submitted in response to the December 1997 proposal. This record will guide the drafting of the revised proposal, which USDA will issue for public comment later this year.

"This additional opportunity for public comment will assist us in crafting rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," said Glickman.

#

NOTE: USDA news releases and media advisories are available on the Internet. Access the USDA Home Page on the World Wide Web at <http://www.usda.gov>

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DRAFT MAY 8 1998

P/NA/D
PRESIDENTIAL MEMORANDUM TO AGENCY HEADS

Privacy is a cherished American value, closely linked to our concepts of personal freedom and well-being. At the same time, fundamental and cherished principles like the First Amendment, perhaps the most important hallmark of American democracy, protect the free flow of information in our society.

In support of its Constitutional mandate, the Federal Government maintains volumes of records on its activities and on the activities of its citizens. Long mindful of the potential for misuse of Federal records on individuals, the United States has adopted a comprehensive approach to limiting the Government's collection, use and distribution of personally identifiable information.

As we embark on our journey into the information economy of the 21st Century, however, it is appropriate to reexamine the Federal Government's contribution to maintaining the proper balance between the competing values of personal privacy and the free flow of information in a democratic society. Increased computerization of Federal records permits this data to be used and analyzed in new ways that could diminish individual privacy in the absence of data protection safeguards.

Accordingly, I hereby direct executive agency heads, as follows:

Section 1. Policy. (a) It shall be the policy of the executive branch that agencies shall:

(1) take into account the effects and implications of rapidly changing technologies when implementing the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988, the Paperwork Reduction Act, and all other statutes relating to agency use of personally identifiable data;

(a) As used in this order, "agency" and "agencies" shall be defined in accordance with the definition set forth in the Privacy Act of 1974 U.S.C. 552(f).

(2) assure that all personally identifiable information be handled in full compliance with fair information practices as set out in Section x of the Privacy Act of 1974;

(3) assure that all personally identifiable information not covered by the Privacy Act be handled in a manner consistent with the *Principles for Providing and Using Personal Information* ("the Privacy Principles") to the extent permitted by law;

(4) design and evaluate new legislation and legislative proposals involving federal records to assure their compliance with the Privacy Act;

(5) design and evaluate new legislation and legislative proposals involving the collection and use of personally identifiable data not covered by the Privacy Act to assure that such data is handled in a manner consistent with the Privacy Principles.

Section 2. Responsibilities of Agency Heads. All agency heads shall:

(1) within 30 days, designate a senior official with primary responsibility for privacy policy. This individual shall disseminate information and advise agencies heads on these matters. This individual shall also serve as the agency's representative and shall review legislation and privacy policy proposals to assure consistency with the Privacy Act and the Privacy Principles.

(2) within 90 days, any agency that has not conducted a thorough review of its Privacy Act systems of records notices in accordance with Office of Management and Budget Circular A-130, Appendix I, shall conduct such a review. In particular, agencies shall particularly:

- a. Review all system of record notices for accuracy and completeness, paying special attention to changes in technology, function, and organization that may have made the notices out-of-date;
- b. Identify any systems of records that have not been described in a published notice, paying special attention to Internet activities that may involve the collection of personal information;
- c. Review routine uses for all systems of records to make sure that they are necessary and compatible with the purpose for which the information was collected;

(i) "Routine use" shall be defined in a manner consistent with the definition set forth in the Privacy Act of 1974, 5 U.S.C. 552(a)(b)(3).

(3) if appropriate, republish by December 31, 1998, a revised set of system of records notices.

(4) report to the Office of Management and Budget on agency use of the "routine use" provisions of the Privacy Act of 1974, and on agency practices regarding procurement and data sharing with State local and tribal governments in accordance with instructions to be issued.

Section 3. Responsibilities of the Office of Management and Budget. The Director of the Office of Management and Budget shall:

((1) within 180 days issue a report on Federal implementation of the Privacy Principles. This report shall include:

- (a) an assessment of agency implementation of the Privacy Act and the Privacy Principles;

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(b) an analysis of agency reliance on the "routine use" provision of the Privacy Act of 1974 in light of the rapidly changing technology;

(c) an analysis of agency practices involving data sharing with State, local and tribal governments in light of the Privacy Act, the Privacy Principles and rapidly changing technology.]

(2) within 180[270] days, issue guidance on agency routine uses, paying particular attention to sharing of data by agencies with state, local and tribal governments.

Section 4. Judicial Review. This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, or instrumentalities, its officers or employees, or any other person.

William J. Clinton

THE WHITE HOUSE
May 14, 1998

LRM ID: EHF467

Organics - gw

The most common error

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Tuesday, April 28, 1998

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below
Ronald K. Peterson

FROM: Ronald K. Peterson (for) Assistant Director for Legislative Reference

OMB CONTACT: K. Lish Grove

SUBJECT: PHONE: (202)395-7342 FAX: (202)395-7285
AGRICULTURE Draft Press Release on Organic Labeling Standards

DEADLINE: 5:00 PM Thursday, April 30, 1998

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

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USDA

- not bad

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USDA To Make Fundamental Changes in New Proposed Rule On Organic Standards

Washington, May X, 1998 -- Secretary of Agriculture Dan Glickman announced today that the Department of Agriculture (USDA) will make fundamental revisions to its proposed national organic standards as a result of the [170,000] comments USDA received on the initial proposal.

"USDA is committed to developing national organic standards that organic farmers and consumers will embrace," Glickman said. "Thousands of commenters requested that USDA issue new proposed standards, and we intend to do so. Most importantly, the new proposal will contain fundamental changes from our initial draft."

The earlier draft, published on December 16, 1997, proposed standards for growing, processing, labeling, importing, and certifying organically grown food. But it did not take a position on certain controversial issues; instead, the proposal asked for public comment on these items. The bulk of the extraordinary number of comments opposed including the products of biotechnology, the use of irradiation in food processing, and the application of biosolids (municipal sludge) in organic food production.

"Biotechnology, irradiation, and biosolids are safe and have important roles to play in agriculture. However, they neither fit current organic practices nor meet current consumer expectations about organics, as the comments made clear," said Glickman. "Therefore, these three issues are being taken off the table and will not be included in our new proposal."

Similarly, many of the [170,000] comments asserted that national organic standards must be rigorous and credible. Otherwise, consumers will lose faith in the organic label.

"If organic farmers and consumers reject our national standards, we have failed. Our task is to stimulate the growth of organic agriculture, ensure that consumers have confidence in the products that bear the organic label, and develop export markets for this growing industry," said Glickman.

Before publishing the new proposal, USDA will evaluate the comments submitted in response to the December 1997, proposal. This record will guide the drafting of the new proposal, which USDA will issue later this year and which will also be available for public comment. "This additional opportunity for public comment will assist us in crafting a rigorous, credible national standards for organic farming and handling that organic farmers and consumers can support," declared Glickman.

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LA
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Food
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Sally



U.S. DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

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Food
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- FROM:
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 - ☐ JOHN GIBSON, SPECIAL ASSISTANT
 - ☐ GREG FRAZIER, CHIEF OF STAFF
 - ☐ KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
 - ☐ REBA PITTMAN EVANS, DEPUTY CHIEF OF STAFF, INTERNAL AFFAIRS
 - ☐ PATRICK STEEL, DEPUTY CHIEF OF STAFF, EXTERNAL AFFAIRS
 - ☐ JOSE VENZOR, ASSISTANT TO THE DEPUTY CHIEFS OF STAFF
 - ☐ PAUL DRAZEK, SPECIAL ASSISTANT FOR POLICY
 - ☐ ANNE KENNEDY, SPECIAL ASSISTANT FOR POLICY
 - ☒ ERIC OLSEN, SPECIAL ASSISTANT FOR POLICY
 - ☐ JANET POTTS, COUNSEL TO THE SECRETARY
 - ☐ JOHN SPARKS, SPECIAL ASSISTANT FOR CIVIL RIGHTS

MESSAGE: Organic Meat + Poultry -

Press Material



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RELEASE

Contact:
Sue McGovern
(781) 648 7157

Media Advisory

A NATIONAL ALLIANCE OF INDUSTRY AND CONSUMER ORGANIZATIONS
LED BY ORGANIC VALLEY, THE U.S. PIONEER OF ORGANIC LIVESTOCK
AND THE LARGEST COOPERATIVE OF ORGANIC FARMERS IN NORTH
AMERICA, WILL ANNOUNCE A NATIONAL PUBLIC AWARENESS CAMPAIGN
IN SUPPORT OF ORGANIC MEAT LABELING ON SUN., JUNE 14TH, 5:00 -
5:30 PM, MARRIOTT HOTEL (RM. 309), 1201 MARKET ST., PHILADELPHIA.
EVENT TO FEATURE UNVEILING OF MAJOR "CALL TO ACTION."
ORGANIC MEAT, CHEESE AND WINE TASTING TO FOLLOW.

DATE: Sunday, June 14, 1998

TIME: 5:00 - 5:30 p.m. Press Conference
5:30 - 7:30 p.m. *Organic Meat, Cheese, Wine Tasting*

PLACE: Marriott Hotel, Room 309
1201 Market Street
PHILADELPHIA

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Contact: Sue McGovern
(781) 648-7157

NATIONAL ALLIANCE LAUNCHES "LABEL MEAT ORGANIC" CAMPAIGN

Calls on Consumers and Industry to Urge USDA to Approve Organic Meat Labels

PHILADELPHIA, PA (June 14, 1998) "LABEL MEAT ORGANIC", a national public awareness campaign in support of organic meat labeling, was announced by a national consumer and industry coalition headed by Organic Valley, the United States pioneer of organic livestock and the largest organic farmers' cooperative in North America. The campaign kickoff was held today in Philadelphia where the International Dairy Deli Bakery Association show is taking place.

The purpose of the "LABEL MEAT ORGANIC" campaign is to urge the USDA to lift their ban on labeling of organic meat before national organic standards have been finalized, a process that may take another year or more. Current USDA internal policy prevents labeling of meat and processed eggs as organic, while all other foods under FDA jurisdiction are allowed the organic label.

Supporters of the call to action include organic livestock producers, retailers, trade associations and consumer groups, including: the Humane Society of the U.S.; Mothers & Others for a Livable Planet; the National Campaign Against the Misuse of Pesticides (NCAMP); The Organic Alliance; Petaluma Poultry; Whole Foods; Wild Oats; the Organic Trade Association, which most recently was a major organizer of the historic and highly successful grassroots effort to stimulate public comment on the proposed rule to implement the Organic Foods Production Act; and Bob Anderson, head of Walnut Acres and Chairman of the USDA's National Organic Standards Board.

"It is fitting that we are launching the "LABEL MEAT ORGANIC" campaign in the city that is home to the Liberty Bell and symbolizes our nation's constitutional support for basic freedoms," said Organic Valley CEO George Siemon. A longtime Wisconsin organic dairy farmer, Siemon has been a pioneer in developing organic livestock standards adopted by the National Organic Standards Board and recommended to the USDA. "Organic meat labeling represents a sound private initiative that will help small family farmers. The USDA should be encouraging such initiatives, not stifling them."

Betsy Lydon, Program Director of Mothers & Others for a Livable Planet, said "It is an outrage that the law forbids consumers access to organic meat and denies them labels that could help them make choices about their meat purchases. Consumers have a right to know how their meat is raised."

Organic Trade Association Executive Director Katherine DiMatten believes: "It is unfair of the USDA to withhold organic meat and egg products labeling when all other products can carry an organic label. The decision to withhold this label by the Food Safety and Inspection Service (FSIS) of the USDA has been arbitrary and capricious."

"LABEL MEAT ORGANIC" calls on the USDA to immediately approve labeling for the organic livestock industry utilizing the present organic certification system. The organic meat labeling reflecting existing organic standards would provide an interim solution until the national standards for organic certification received final approval. The campaign urged consumers and industry to communicate their views via telephone, letter, fax or e-mail to the USDA, 1400 Independence Ave., S.W., Washington, D.C. 20250 (202) 720-2791. Further information is available through the Organic Valley web site www.organicvalley.com.

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A Call to Action - Allow Organic Meat Labeling Now!

June, 1998

We call on the United States Department of Agriculture to remove immediately all prohibitions against the labeling of certified organic meat, poultry and egg products, the only food categories prevented from offering an organic choice for consumers. We ask the USDA to:

- ◆ Allow consumers to make informed food choices based on full information. The currently approved "natural meat" label incorrectly implies organic.
- ◆ Permit the American organic meat industry to pursue all organic markets. Stifling these private business initiatives, which include dairy, beef, hog & poultry producers, as well as feed grains and pasture and forage farmers, strains the economic well-being of hundreds of family farms working to preserve our planet.
- ◆ Enable organic meat, poultry and egg producers to compete globally. These products are organically certified and labeled in Europe and nations around the world. Immediate USDA action will give U.S. organic producers a level playing field and allow them to compete globally.
- ◆ Do it now! Third-party certified organic livestock production standards are already in effect. Organic food has become a \$4.2+ billion industry. Organic meat production is a key component in a sustainable agricultural system. The lack of an organic label is crippling this industry at home and abroad.

This should not be an arbitrary internal USDA policy. Let the organic certification system work. Organic labeling of milk and eggs is a national fact. Let certified organic standards apply equally to the livestock that produced them.

ALLOW ORGANIC MEAT LABELING NOW!

To contact the USDA write to: USDA, 1400 Independence Ave. S.W., Washington, D.C., 20250.
Call: (202) 720-2791 or E-mail: agsec@usda.gov.

Label Meat Organic Campaign Media Resource List

George Siemon
Chief Executive Officer, Organic Valley
608 625 2666

Tom Frantzen
Farmer – Organic Hog Producer, Organic Valley
515 364-6426

Bob Anderson, Walnut Acres President & Chairman, USDA's National Organic Standards Board
717 837 0601 ext. 227

Betsy Lydon
Program Director, Mothers & Others for a Livable Planet
212 242 0010

Jay Feldman, Executive Director
National Coalition Against the Misuse of Pesticides (NCAMP)
202 543 5450

Katherine DiMatteo, Executive Director, The Organic Trade Association
413 774 7511

Ann Woods, Executive Director, The Organic Alliance
612 265 3680

Melanie Adcock, Staff member, Farm Animals and Sustainable Agriculture
The Humane Society of the U.S.
202 452-1100

Fred Kirschenmann, Ph.D., Farmer
National Organic Standards Board, Chair of Livestock Committee
President Farm Verified Organic
701 486-3579

Peter Roy, President, Whole Foods
Or Margaret Wittenberg, National Communications Team Leader, Whole Foods
NOSB member
(512) 477-5566 ext.400

Allen Shainsky, President
Petaluma Poultry
707 763-1904



Organic Valley's Organic Meat Standards

June, 1998

Organic Valley has been the pioneer in developing organic livestock standards in the United States as well internationally. Starting with our foundation work in establishing organic dairy and organic egg standards, as well as our cooperation with NOSB and OTA in working on the USDA organic rule, Organic Valley continues as a pioneer in proposing the strictest standards for organic meat production. Organic Valley proposes that organic meat meet the following minimum production standards that all of our producers satisfy. This standard is in accordance with/or stricter than both NOSB, OTA recommendations and the requirements of the Organic Foods Production Act of 1990 (OFPA).

Organic Valley Meat Standards

Livestock Source

1. All meat animals shall be born from organic mothers and under organic production for the balance of their life.
2. All poultry shall be under organic production from one day old.

Organic Feed Requirements

1. All feed shall be 100% organic feed.
2. Rendered animal by-products are prohibited in feed.

Medications

1. All antibiotics are prohibited.
2. All hormones are prohibited.
3. All parasiticides are prohibited.

Living conditions

1. All livestock shall have access to fresh air, sunlight and pasture according to stage of life.
2. All production facilities shall provide a living environment which limits livestock stress and promotes livestock health.

Manure management

1. All organic farms must have a organic farm plan which assures proper manure management
 - No spreading of manure is allowed in the winter
 - Farmers are required to control runoff.

Certified Organic

1. All aspects of production must be certified organic and must follow strict record keeping requirements concerning:
 - crop production
 - livestock sources
 - purchase feed
 - medications
 - handling & processing
 - sales records.

Organic is as organic says

Now that organic farming has mushroomed from a hippy-dippy diversion into a giant industry with annual sales exceeding \$4 billion, conventional food processors also want a slice of the market. They should be welcome to it—but not at the cost of diluting proposed government guidelines defining the term "organic" and its legitimate use on foodstuffs.

Organic food regulations were first proposed by the industry itself in 1986. Four years later, Congress passed the Organic Foods Production Act, which in turn created the National Organic Standards Board (NOSB) and assigned to it the task of drawing up guidelines to govern the production, handling and marketing of organic foods.

It's an important mission: As the market has grown, so has the promiscuous use of "natural," "organic" and other New Age mumbo-jumbo and advertising gimmicks. Even the most discerning consumers are baffled, a situation complicated by conflicting standards and definitions established by different states and local organizations.

Meanwhile, the organic market is growing like kudzu. For the past seven years it has posted sales growth of 20 percent or greater, according to the Organic Trade Association. Clear, nationally recognized standards are essential for domestic consumers as well as the export market, particularly since the European Union adopted its own organic food guide-

lines in 1992.

In 1995, the NOSB proposed a set of definitions and standards. But late last year—under pressure from conventional food processors and agricultural interests—the U.S. Department of Agriculture proposed considerably looser regulations.

Consumers have until April 30 to comment on the revised guidelines; they should urge the USDA to stick with the previous, more stringent, rules.

The disagreements generally revolve around the use of genetically engineered hormones and other organisms, food irradiation, municipal sewer sludge for fertilizer and synthetic antibiotics in farm animals. The NOSB banned them; the USDA proposes to allow them.

Consumer safety is not the main point here. There is, for example, no scientific evidence that irradiated food is harmful or unsafe. But is it "organic"?

What's at stake instead is the integrity of a set of regulations drawn up by experts and representatives of the organic food industry after lengthy discussion. It's most unusual, in fact, for an industry to impose such stringent standards upon itself.

If the term "organic" is to mean anything at the supermarket to the rapidly growing number of consumers, the USDA should abide by the recommendations of a board of experts that was, after all, created by the federal government.