

**NLWJC - Kagan**

**DPC - Box 008 - Folder 007**

**Consumer Protection - Food Safety  
Organic Rule**

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.

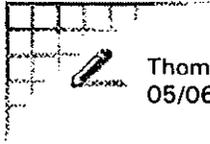
Representatives of OMB (Don Arbuckle), NEC (Sally Katzen), and DPC (Elena Kagan) have been concerned about USDA's approach to this issue. OMB has argued that consumers will likely view a product labeled as organic as safe, even though there is no evidence to demonstrate that organic food is any safer 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.

*cons pro - organic rule*



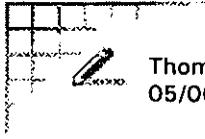
Thomas L. Freedman  
05/06/98 04:57:40 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Mary L. Smith/OPD/EOP, Bruce N. Reed/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: What Glickman says

On the three issues in dispute, Eric says the Secretary (1) was very strongly against including the survey in the preamble -- he believes it infuses safety issues into the rule; (2) he is adamantly against including anything on consumer education associated with the survey; and (3) he will remove the "take off the table" phrase -- but feels strongly that the Administration needs something clear: he wants the "food produced with these products practices will not be allowed to bear the organic label." Eric will fax a revised copy of the release to us.

Cons pro -  
Food safety -  
organic



Thomas L. Freedman  
05/06/98 04:57:40 PM

Record Type: Record

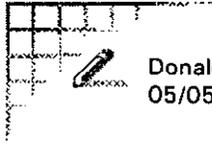
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Case pro - food safety -  
organic



Donald R. Arbuckle  
05/05/98 07:40:06 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Sally Katzen/OPD/EOP  
Subject: organic

Thanks for your help at the organic meeting - - you did a nice job trying to move the ball forward on everyone's behalf, while various parties around the table were trying to kick it backwards, sideways, upwards, downwards. We have had difficulty trying to figure out how to get a purchase on this issue - - it refuses to be simply a commodity marketing, ag practices, food safety, general health and nutrition, or environmental issue. Its not even clear whether we are dealing with Commerce, Science, or Religion. In any case, as we listened to Ag and FDA, I thought it was a good example of why we need an EOP to look further and wider afield than do individual agencies.

Cheers (and watch what you eat tonight.)



EK/Tom -  
Pls advise.

BR

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

**MEMORANDUM TO BRUCE REED AND GENE SPELLING**

**From:** Secretary Dan Glickman

**Subject:** National Organic Standards Regulation

A large, handwritten signature in black ink, appearing to read "Dan Glickman", written over the subject line and extending into the main body of the memorandum.

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

**W**HAT 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 Editor's 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.

*NY Times Editorial 4/13/98 A30*

## Editorial

The New York Times  
ON THE WEB

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December 16, 1997

### Reading the Organic Rules

**Y**esterday 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.

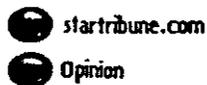
As a first step in preparing its rules, USDA took recommendations from a national panel of industry representatives, scientists and consumers. As a second step, it proposed major departures, prompting a storm of protest.

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.

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

*Wplogstar 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?

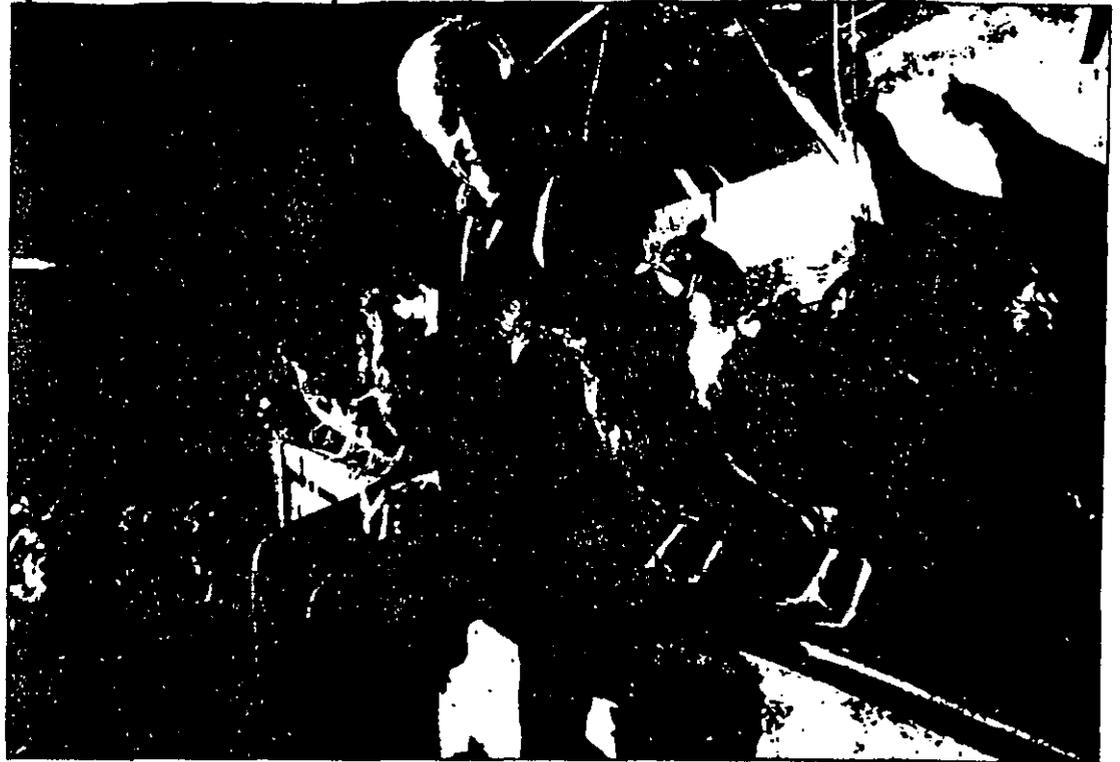
But this is the upside-down nature of a food fight that has erupted between the U.S. Department of Agriculture and the organic farming community.

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-



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

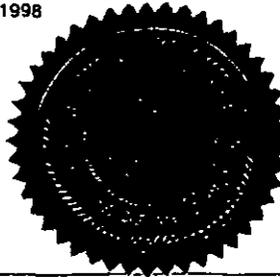
WHEREAS, If the federal standards are not changed to meet the New York organic community's recommendations, this Assembled Body requests that the final federal rules allow for the establishment of a state organic program that will be acceptable; and

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,

*Francine M. Misasi*

Francine M. Misasi, Clerk

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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

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**T**he 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 Louthback, 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

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# Organic is as organic says

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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 1996, 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.