

Fighting for organic

Legal battles behind the USDA label aim to keep its integrity intact

BY EMILY GREEN
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Ongoing legal battles over the laws governing the USDA Organic label could be cause for concern among consumers paying a premium price for organic produce, meat and eggs.

These recent developments highlight the growing influence “big organic” is having on the way organic produce is cultivated and farm animals are raised.

To carry the USDA Organic label, a

grower must go through a certification process and routine inspections and adhere to strict rules and guidelines.

What consumers might not know is that those rules and guidelines are subject to change and might not encompass all the aspects of food production they envision when they see “organic” printed on a product.

Areas currently in flux include animal welfare rules for poultry and egg production, the list of synthetic chemicals allowed in organic production, and the use of chemically-contaminated compost and manure in organic farming.

“A lot of the major food corporations are moving as quickly as they can into the organic sector, if they

haven't already,” George Kimbrell, legal director at Center for Food Safety, told fellow attorneys at a University of Oregon School of Law conference in March.

At a panel discussion about the legal battles over organic labels, he explained that large parent companies overseeing their offshoot organic brands often have a different perspective than traditional organic farmers.

In some cases, large-scale egg and meat

producers replaced GMO feed with organic feed and stopped using hormones and antibiotics, but otherwise kept their factory-farm production methods in place and slapped an organic label on it.

The spirit of organic was birthed out of the movement sparked by Rachel Carson's 1962 book, “Silent Spring,” about the synthetic pesticide DDT. Organic was built on an ethos of sustainable, regenerative farming that food safety advocates think some larger organic producers are failing to fully embrace.

Oregon has a long history of organic farming, leading the way in 1973 when it became the first state to implement organic certification.

By 1990, 22 states had established their own certifications. That same year, the Organic Food Production Act created the National Organics Standards Board to advise the USDA on organic policy to be regulated by the National Organic Program.

But establishing just what that USDA Organic label would mean was a long and arduous process. It took 10 years for the board to hash out the standards that would govern the label, and even today seafood is excluded and rules regarding animal welfare are sparse.

The USDA Organic label was designed with a strong public component in place, with any new rules subject to a transparent public process.

“The first proposed rules in 1997 shocked a lot of people because they would have allowed in organic the use of genetic engineering, irradiation and sewage sludge as fertilizer,” Kimbrell said.

Those initial proposed rules resulted in 275,000 public comments. In the end, the label prohibited all three of those practices.

Kimbrell and attorney Amy van Saun have been working out of the Center for Food Safety's Portland office on several cases aimed at maintaining transparency in the USDA Organic label.

The nonprofit law firm and sustainable-food advocacy group is based in Washington, D.C., with offices in San Francisco and Honolulu, as well.

“People should be concerned about the integrity of organic, and we need to be watchdogging and making sure that USDA isn't bowing to big organic and letting them bend the rules and get away from what it's really meant to be,” van Saun told Street Roots.

Does organic mean humane treatment of animals?

Earlier this year, a Consumer Reports survey found 86 percent of regular organic consumers want animal products from farms that treat animals humanely.

While standards for pasture-raising ruminant animals such as cows and sheep have been implemented under the organic label, living-condition requirements for poultry, eggs and pork are absent.

That was supposed to change for poultry in May when a new set of rules requiring real outdoor access for birds and limits on overcrowding would have taken effect.

The rules were approved the day before the Trump administration took power, but the president's executive order freezing new regulations has delayed implementation.

While the majority of U.S. producers are fine with the new rules and are already

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AMY VAN SAUN,
CENTER FOR FOOD
SAFETY ATTORNEY



WHAT THE LABEL MEANS

USDA ORGANIC LABELS

100% Organic: 100 percent organic ingredients

Organic: 95-99 percent organic ingredients

Organic Ingredients: 70-94 percent organic ingredients

Some Organic Ingredients: means less than 70 percent organic ingredients

Products with less than 95 percent organic ingredients cannot carry the USDA Organic label.