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request, Wallick discovered this was an intentional attempt to change the rules behind closed doors.

One email he obtained, sent from an employee at organic giant Earthbound Farm to USDA Deputy Administrator Miles McEvoy after the contaminated compost was initially banned, stated:

"I get the need to have a policy, but this precedent is frightening. Once codified in policy, I'd have to expect that any time any prohibited material is found in any farm input - organic input included - in any amount, we'll have to stop using that input until an acceptable amount is determined. Given the number of compounds we are likely to find once we seek them, we'll be stopping early and often. ... What happens when we find a contaminant is present for which there is no EPA tolerance in any food crop? Then there's hormones and antibiotics in manure - these would no doubt be considered contaminants as well. Seek and ye shall find. ... I'd prefer to see an interim policy that recognizes we live in an impure world and that organic production seeks to minimize those impurities in process and product."

With the evidence collected by Wallick, van Saun and Kimbrell launched a legal challenge, along with Portland's Crag Law Center, to disqualify the guidance document on the grounds that the USDA should have

gone through the formal rule-change process and notified the public before allowing contaminated compost to be used.

In 2016, a judge agreed and overturned the policy, telling the USDA that a formal rule change would be needed.

That rule change proposal is expected this fall and van Saun urges organic consumers to weigh in with public comment if they don't want their veggies grown with contaminated compost.

Karr at Oregon Tilth said that during the five years contaminated compost was allowed, tests of compost products Oregon growers were using came up clean.

According to Metro, Portland's curbside composting program sends waste to third-party compost producers, such as Nature's Needs in North Plains.

Nickolas Olheiser, Nature's Needs organics manager, said some of the compost they produce from the urban curbside program ends up on organic farms in the Washington County area.

"Slim to no chance of pesticides being present in the finished material. Composting provides an optimal environment for deconstructing pesticides," he said. "We also test everything before it leaves the facility for not just pesticides, but for pathogens, metals, nutritional content, etc."

No synthetics, almost

There is a caveat to the ban on synthetics in

organic farming. When farmers cannot access a synthetic-free organic-approved substance they need for pest control, soil improvement or other farming practice, the National Organic Standards Board can add a synthetic chemical to a list of exceptions known as the National List.

All items added to the list must go through a rigorous review process and show they will not significantly harm human health or the environment. There are currently 43 synthetics allowed in organic farming.

In the past, any synthetic that was added to the list would automatically drop off after five years unless the board voted to keep it on the list. But in 2013, the default was reversed. Now, anything added to list stays on indefinitely.

The Center for Food Safety and 12 other groups sued on the grounds that this change in the default setting should not have been made without public notice. That case is ongoing.

"Consumers would likely not be concerned about the majority of items of the (National List)," said Cameron Harsh, senior manager for organic and animal policy at Center for Food Safety.

However, he said, there are a few exceptions, such as DL-Methionine, a poultry feed additive containing amino acid concentrations. It's used to promote high rates of weight gain in birds. But birds can get those same amino acids by eating

insects, herbs or a wide variety of plants, which could be achieved if the birds foraged outdoors.

"Consumers may be disheartened to learn that the USDA often resists taking items off the (National List) for which organic alternatives now exist and are commercially available," he said.

Karr at Oregon Tilth said that when items drop off the list suddenly, it can hurt producers who are relying on those substances.

"Farmers need tools in the toolbox, and especially organic farmers," she said. "If you don't have any controls or tools that you can use for fertility, for soil management, for disease management, pest management, it's a hard mountain to climb."

Portland attorney van Saun argues that because a mainstay of the Organic Food Production Act is that no synthetic substances are allowed, the default should be to take items off the list, not keep them on.

"But," she said, "if this is an important substance that farmers or producers still need, then NOSB can vote to keep it on. It's not like things drop off and no one has an ability to stop that."

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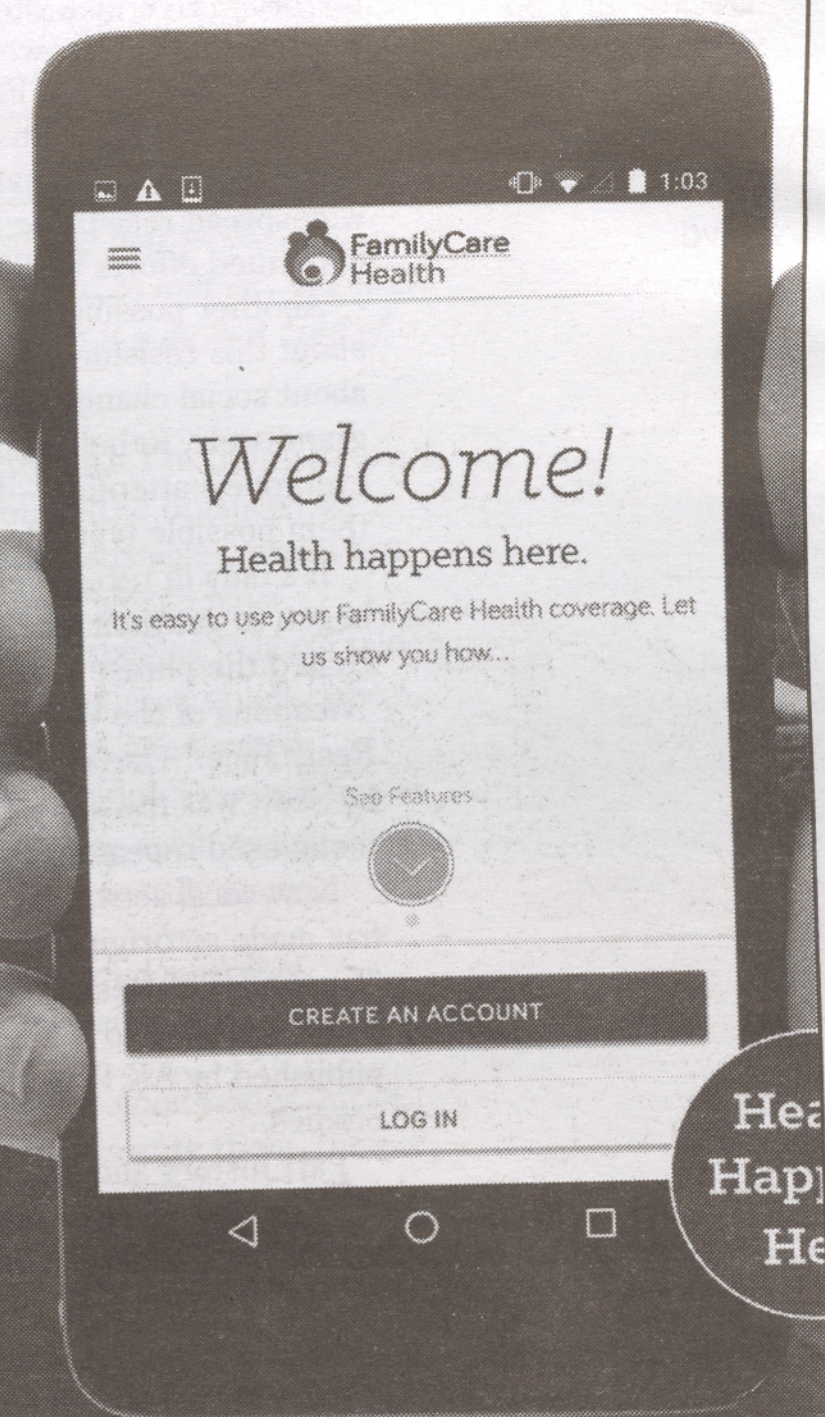


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