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ORGANIC FOOD FIGHT

Outcry over rule changes that allow more pesticides, hormones

- [Carol Ness, Chronicle Staff Writer](#)

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A showdown is taking shape over the nation's organic food standards, triggered by a spate of recent rule changes that some producers and activists say are setting a pattern that could eventually render the organic label meaningless.

The changes in the National Organic Program standards, made in April, expand the use of antibiotics and hormones in organic dairy cows, allow more pesticides in the organic arsenal and for the first time let organic livestock eat potentially contaminated fishmeal.

Program administrators also reversed themselves and said seafood, pet food and body care products can use "organic" on their labels without meeting any standards at all.

And in what the \$11 billion organic food industry, consumer and farm groups call a dangerous precedent, program administrators made last month's changes in three "guidances" and one "directive" without seeking public comment or consulting with their own advisers on the National Organics Standards Board.

"This is hugely terrible for the organic industry," said Nancy Hirshberg, a vice president at Stonyfield Farm, a New Hampshire organic dairy whose yogurts are sold in the Bay Area. "It's a real weakening of the standards. And it could have the effect of weakening consumer confidence in the organic label. "

A coalition of organic interests, including the powerful Consumers Union, says the interpretations represent major changes that could threaten the integrity of the program, which set a high standard for what products qualify as organic. And they say administrators risk undermining trust in the program by leaving the public, including its own advisory board, out of the decision- making.

Sounding a national alarm, the coalition is pressuring the U.S. Department of Agriculture to retract the changes and keep the public involved.

In both the House and Senate, letters calling on Agriculture Secretary Ann Veneman to withdraw the documents are gathering bipartisan support. And businesses that will lose money because of the changes are said to be considering lawsuits.

"We are drawing a line in the organic soil," said Bob Scowcroft of the Organic Farming Research Foundation in Santa Cruz, who helped write the organic standards.

Barbara Robinson, the USDA deputy administrator in charge of the organic program, defended the moves as merely interpretations of the standards, not new regulations. Among the 90-plus USDA-accredited organic certifiers, some were interpreting the standards one way, some another, she said. For example, some were allowing dairy farmers to use antibiotics in certain circumstances, and some weren't.

"We want it to be consistent," she said in an interview. In an earlier statement, she put it this way: "The statements simply say what is enforceable under the existing regulation and statute and what is not. There is nothing new, just an attempt to be clear about what is covered."

The board wasn't involved because the guidances didn't set new standards, she said. Decisions needed to be made, and Robinson said she has only six staff members and \$1.5 million, out of the USDA's \$70 billion budget, to run the entire organic program.

If people don't agree with the staff, she added, "the fix is to petition the department to change the regulation. That can be done."

The National Organic Standards Board was told of the changes just the day before they were announced and responded with a letter expressing its strong concerns.

"The board was totally caught by surprise," said vice chair James Riddle, who has written to demand that the directives be withdrawn. "They certainly weaken the regulations."

The new pesticide rule allows the use of some pesticides that contain unidentified inert ingredients if a "reasonable effort" has been made to identify them. Before, the ingredients had to be approved before use.

The livestock rule allows organic beef cattle and poultry sold for their meat to eat non-organic fishmeal, even if it contains a synthetic preservative or toxins. The standards require organic feed, but fishmeal is allowed as a feed supplement.

A major change was defining of the scope of organic standards to say seafood, pet food and personal care products simply aren't covered. Previously, the program said they were, though standards for them had not yet been written. Businesses have been built around the promise that if they followed organic principles, they eventually could be certified.

For example, an organic shrimp farmer from Florida invested \$1.5 million in raising organic fish to feed the shrimp, based on the previous policy, Riddle said. The new rule pulled the rug out from under him, and now anyone can call fish organic as long as they don't use the USDA's organic seal.

"It was a complete reversal," Riddle said.

At Stonyfield Farm organic dairy, Hirshberg said she has seen many guidances and clarifications from the program since the organic standards went into effect 1 1/2 years ago, but the latest series were "a turnaround. In the past they weren't true departures."

When it came to using antibiotics in an organic dairy, she said, "everyone understood that once you treat with antibiotics, a cow can't be brought back into the (milking) herd" under the 2001 standards. But some certifiers had allowed antibiotics under certain circumstances.

Under the new standard, cows and calves can be treated with antibiotics, or growth hormones or any other drug, as long as a year goes by before their milk is sold as organic.

The organic standards are based on the principle that cows should be raised in healthy, disease-preventive ways so drugs aren't needed, Hirshberg said. The new rule makes it easier for large dairy farms that have both organic and non-organic herds to move cows back and forth between the two.

"That's not what organic is about," she said.

Beyond that, many organic milk labels say "no antibiotics, no hormones," and consumers expect that to mean the milk comes from cows raised without such drugs, said Liana Hoodes of the National Coalition for Sustainable Agriculture, about three-dozen groups that monitor the organic standards.

Both the program administrators and the organic coalition fighting the changes agree that the rules need to be clear as more businesses jump into the organic market. Organics are the fastest-growing segment of the food industry, rising at more than 20 percent a year.

In Santa Cruz, Nell Newman, president and co-founder of Newman's Own Organics, said, "I think we have to fight to maintain the standards with their true and original intent.

Unfortunately it's a waste of time and energy to have to fight with our overseeing agency, the USDA."

On Capitol Hill, Sen. Patrick Leahy, D-Vt., who wrote the 1990 organic food act, is gathering bipartisan support for a letter demanding retraction of the changes.

"Unilateral fiats like these may violate the letter of the law, and they certainly violate the spirit," Leahy said.

A draft of a similar letter to Agriculture Secretary Veneman circulating in the House expresses "strong concern" that the "far-reaching" changes will "undermine the integrity of the organic label."

Consumers Union and the Organic Consumers Association have revved up e-mail and letter-writing campaigns. And the Organic Trade Association, which represents 1,400 organic producers, are muscling up their lobbying in Washington.

Santa Cruz's Scowcroft, among others, said it's conceivable some of the new rules -- especially the one affecting body care products -- would have been reached even if the program had consulted its board and the public to resolve ambiguities in the rules.

But its failure to do so means "that the validity of these practices is questionable," Scowcroft said. "The precedent has to stop."

Points of contention

Pesticides: Now, some pesticides can be used even if they contain unknown inert ingredients if a "reasonable effort" has been made to identify them. Before, the ingredients had to be approved before use.

Livestock feed: Now, organic cattle and poultry sold for their meat can eat non-organic fishmeal, even if it contains a synthetic preservative or toxins. Before, only organic feed was allowed. The fishmeal is allowed in any quantity as a "feed supplement."

Antibiotics in dairy cows: Now, calves and cows can be treated with antibiotics or any other necessary drug, if other means of helping them have failed, but a year must pass before their milk is sold as organic. Before, most dairies interpreted the rule to mean that a cow treated with antibiotics had to be removed from the herd forever (they were sold to conventional dairies), but some certifiers allowed drug use with a 12-month hold on the milk.

Scope of organic standards: Now, any seafood, pet food and body care products can be called organic without meeting any standards other than their own. That's why the USDA hasn't objected to things like "organic" salmon in fish markets. Before, the three groups were included under the organic law although specific standards hadn't been written to cover them; some won organic certification by following the rules for livestock and crops.

E-mail Carol Ness at cness@sfgate.com.

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