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Comments on: AMS-TM-08-0021-0001

**National Organic Standards Board (NOSB) Joint Crops and
Certification, Accreditation, and Compliance Committee
Further Guidance on Commercial Availability of Organic Seed
April 3, 2008**

The Accredited Certifiers Association (ACA), representing 40 NOP accredited certification agencies, would like to thank the joint Crops and Certification, Accreditation & Compliance Committee for the opportunity to comment on the Further Guidance on Commercial Availability of Organic Seed document.

We would like to stress that ACA members currently require that organic producers justify the use of non-organic seeds and monitor the recordkeeping of this effort maintained by farmers. In our experience, the use of organic seed is growing steadily. Rather than expanding the requirements for all producers and certifiers, complaints regarding a lack of enforcement of the organic seed requirement could be handled through the NOP accreditation process.

While the ACA feels that this document contains useful suggestions for monitoring the use of organic seeds, we feel that requiring accredited certifying agents to collect seed lists and forward this information to an organization, not knowing if the information will ever be utilized, is a requirement that does not have a regulatory basis either in the Organic Foods Production Act or the National Organic Program regulations. In addition, requiring farmers to submit lists of their seeds to companies for verification of the lack of organic seed is burdensome and unnecessary, as the majority of seed companies produce catalogues which identify the organic seeds.

Currently:

- ACA's do monitor the use of organic seeds through the Organic System Plan. The OSP is then verified by the inspector and producer documentation is reviewed.
- Producers must supply information on the seeds used on an annual basis.
- Many ACA's provide seed resource lists to producers.
- The NOP regulations contain a definition of commercial availability.
- There are an increasing number of seed companies offering organic seeds.
- There is general agreement among ACA's that the use of organic seeds is increasing annually.
- Promoting and marketing of organic seed is not the responsibility of the ACA.

*USDA-accredited certifying agents working together to ensure the integrity of
organic certification in the United States*

The requirement for producers to send their lists of seeds to multiple companies for verification of lack of organic seed is burdensome. ACAs do not have any regulatory authority over seed company vendors and cannot monitor their activities. Since this will be done during the peak of seed ordering it is likely that no response will be received from the companies.

Additionally, the requirement that certifiers must collect these lists, with confidential client-specific information and forward to the “appropriate recognized organic seed trade association” is not feasible or within the scope of certifier authority. Certifiers must hold client-specific information confidential, or receive permission of the clients to release it. Given that this trade organization is not identified or recognized by NOP, and that NOSB has no ability to supply funding to support the required collaboration with additional public interest organizations, NOSB cannot require these actions. A requirement to provide lists of commercially unavailable seeds to the National Organic Program will increase the cost of certification, as additional staff will be required to manage this process. It is doubtful that the NOP, would be able to manage the volume of information these lists would generate.

We feel that a more proactive approach by seed manufacturers is one of the answers to increasing the use of organic seeds. Increased participation by seed marketers in the OMRI seed listing website would provide more exposure to organic seeds. All marketers of organic seed should be encouraged to participate in this website. Additionally, one of our members based in Europe pointed out, the European Union countries utilize seed databases that are easily searchable to determine if organic seed is available. Seed producers and traders introduce their available varieties, producers log in and search for the varieties they need. If a seed is not available, a producer may request exemption from the organic seed requirement by utilizing the standardized form posted on the website. The specific reason for the request is determined from a standardized list. The following list is used on the website identified below:

Reason for Request:

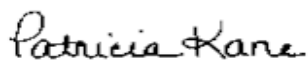
1. No variety of the species which I want to use is registered in the organic seed database.
2. The seed supplier is unable to deliver the seed or seed potatoes before sowing or planting despite ordering the seed or seed potatoes in reasonable time.
3. The variety which I want to use is not registered in the database and I can demonstrate that none of the registered alternatives of the same species are appropriate for my production (you will need to indicate the reason they are not appropriate).
4. For research purposes.
5. To test in small-scale field trials.
6. For variety conservation purposes.

The form can be completed and forwarded to the certification agent for approval. A copy of the form is retained by the producer to show the inspector. An example of this type of database may be found at:

<http://www.organicxseeds.com/oxs/do/Login?paramCountry=188>

We hope the committee will re-visit the guidance document and develop a more streamlined process that incorporates technologies that will work for all parties.

Sincerely,



Patricia Kane
ACA Coordinator