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November 3, 2008

To: Compliance, Accreditation and Certification Committee of the National Organic Standards Board

Re: Further Guidance on Commercial Availability of Organic Seed, 9.22.2008

Thank you for the opportunity to provide comment to the Joint Crops & Compliance, Accreditation and Certification Committee regarding the document *Further Guidance on Commercial Availability of Organic Seed* of September 22, 2008.

The Accredited Certifiers Association (ACA) is a non-profit educational organization representing 40 USDA accredited certification agencies.

Our members thank the committees for the commitment of time and effort devoted to developing guidance for certifiers and growers regarding increasing the use of organic seed. ACA believes that the majority of the suggestions contained in the guidance document are currently included as part of the certification process, including:

- ACA's providing information regarding sources of organic seeds to growers
- ACA's informing growers that price differentials between organically produced seed and conventionally grown seed are not a factor in determining commercial availability
- ACA's reviewing, on an annual basis, in the context of the organic system plan, the grower's efforts to find organic seed varieties suitable to the operation
- Growers providing written evidence of efforts to locate and source organic seed
- Growers increasing the use of "trials" to determine suitable varieties of organic seed
- Growers saving their own organically produced seeds for future use

ACA members believe that while the rate of increase in the use of organic seed may not satisfy the marketers of organic seed, there is steady growth in the use of organic seed. ACA members also noted that their clients have had poor experiences with organic seed due to seed quality issues of low or poor germination or low yield.

ACA members also

- support the review of the accredited certifier procedures used to document the grower compliance with the use of organic seed during the NOP accreditation review.
- support the concept of development of a "two-way" database for listing the available organic seed and allowing posting of requested varieties.

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

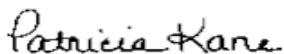
- support the requirement that buyers of organic product who contract to grow selected varieties should require or provide organic seed or planting stock to their producers.

ACA does not support the following:

1. In paragraph 2 of the *Introduction*, the Joint Committee “acknowledges that only a small proportion of the seed currently used by organic farmers is certified organically grown seed.” We do not believe that the joint committees have sufficient documentation to support this statement. There has been not been a comprehensive assessment regarding the current amount of compliance with the requirement to use organically produced seed nor has there been market research to identify current varieties used, or an identification of variety traits necessary to increase the use of organic seed. Unbiased market research and research into current use of organic seed should be conducted either by the Economic Research Service or the National Organic Program. This data would provide a baseline measurement of the use of organic seed on which to base future improvement requirements.
2. In Section C.1 ACA believes the requirement to provide a percentage of organic seed used vs. total seed usage on an acreage basis will create a paperwork burden on growers and not provide useful information. While growers with large amounts of acreage, but limited number of crops, could possibly provide this information, for growers of market gardens, producing upwards of 50+ crops on relatively small amounts of acreage this recordkeeping will be burdensome. In addition, with the yearly variation of crops grown (and varying availability of organic seeds for those crops) the percentage amount figure may not reflect the actual level of compliance.
3. We disagree with the requirement in Section C.4.B to provide site specific agronomic or marketing characteristics, as this is an additional burden on the grower. To determine commercial availability the attributes of form, quality and quantity must be addressed, and these would likely include agronomic and/or marketing characteristics; there is no requirement in the National Organic Program Rule to provide additional agronomic or marketing characteristics.

In conclusion, ACA members believe that the use of organic seed is increasing annually, and we do support the effort to provide guidance for certification agencies and growers. Again, thank you for your work and the opportunity to submit comments.

Sincerely,



Patricia Kane
ACA Coordinator