



National Organic Coalition

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NOC MEMBERS

Beyond Pesticides

Center for Food Safety

Equal Exchange

Food & Water Watch

Maine Organic Farmers and Gardeners Association

Midwest Organic and Sustainable Education Services

National Cooperative Grocers Association

Northeast Organic Dairy Producers Alliance

Northeast Organic Farming Association - Interstate Council

Organic Seed Alliance

Organically Grown Company

Rural Advancement Foundation International -USA

Union of Concerned Scientists

September 16, 2011

Miles McEvoy, Deputy Administrator
NOP – USDA
Room 2646-So (Stop 0268)
1400 Independence Ave. SW
Washington, DC 20250-0268

Dear Miles:

The National Organic Coalition is very interested in foundational issues regarding materials review for the National List, and has therefore been trying to decipher the status of Corn Steep Liquor (CSL).

CSL has been, allowed for use by organic producers due to an understanding that it is a non-synthetic material. However, after receiving new information, OMRI re-reviewed it using the 2009 materials flowchart adopted by the NOSB and found it to be synthetic. This caused your office to ask the NOSB to re-evaluate its status as a non-synthetic (Action Memorandum from your office to NOSB, April 23, 2010).

The NOSB did take a vote at the April 2011 meeting, which seemed to lay the matter to rest. Yet your analysis at the time, and in your recent August 11 “Memorandum to the Chairperson of the National Organic Standards Board”¹ is much more equivocal. In your Memorandum, you state “the NOSB motion to classify CSL failed, not reaching the necessary two-thirds majority for a decisive vote.”

Our understanding of the outcome of the NOSB’s vote differs from your interpretation. The motion was “to consider corn steep liquor to be non-synthetic when produced via the traditional countercurrent corn wet milling process only.”² That motion failed. A motion in the affirmative needs the 2/3 decisive vote, and if it does not reach that, the affirmative statement is rejected. As we understand

¹ <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5092800>

² [transcript at:

<http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELPRDC5091172&acct=nosb>; page 183

the NOSB's voting procedure, the vote means that CSL cannot be treated as a non-synthetic.

There was no motion stating, "CSL is synthetic," but that was unnecessary. It was unnecessary not because we could assume that the votes would have been the same, but much more importantly because OFPA does not put synthetic materials on an equal footing with non-synthetic materials. ***If a material is not non-synthetic, then it cannot be used in organic production unless it is on the National List.*** In other words, once it is brought to the NOSB for review, OFPA requires us to treat a material as synthetic until it is shown to be non-synthetic. We believe it is setting a bad precedent to interpret the failure to reach a decisive majority as an "inconclusive" vote in this situation.

Now that the NOSB has considered the classification of CSL, as you had requested, and the Board's vote has resulted in a decision requiring it to be treated as synthetic, CSL must be listed on the National List in order for it to be used in organic production systems. NOC expects that this material may be petitioned for addition to the National List as an allowed synthetic.

NOC supports the idea that the status and classification of a material may be adjusted based on new information, whenever new discoveries about a material arise. We understand that when a material is in use by the organic industry, careful consideration of the impacts of prohibiting or restricting its use is in order. However, since the materials evaluation process already includes a criterion for "need for the material", issues related to current use must be viewed as one factor in the multi-faceted decision about a material's fit within the principles of organic production.

We are interested in further dialogue to understand your decision-making process in this case, and as a precedent for other decisions.

Thank you,

A handwritten signature in black ink that reads "Liana Hoodes". The signature is written in a cursive, flowing style.

Liana Hoodes,
Director