



# National Organic Coalition

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Toni Strother, Agriculture Marketing Specialist  
National Organic Program  
USDA-AMS-NOP  
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Washington, DC 20250

*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*

*Organically Grown Company*

*Rural Advancement Foundation International -USA*

*Union of Concerned Scientists*

RE: AMS-NOP-10-0051; NOP-10-04  
Amendment to the National List for the continued use of  
DL Methionine

Dear Ms. Strother:

The National Organic Coalition (NOC) fundamentally disagrees with the National Organic Program's (NOP) proposed interim rule to extend the use of synthetic, DL Methionine in organic poultry production until October 1, 2012, and with a step-down to 2015. The continued use of this synthetic feed supplement has several issues associated with it that highlight significant problems for organic materials, including whether or not it is even legal for a synthetic amino acid to be on the National List in the first place, and whether suitable alternatives actually do exist. In addition, its ongoing use has set a precedent for industry to drag its feet in finding acceptable non-synthetic alternatives to materials scheduled for removal from the National List

DL Methionine was the first material that was to be sunsetted off the National List in 2005, with extensions to 2008 and 2010. Yet, according to the 2001 OMRI TAP review of DL Methionine, it was first petitioned in 1995, with TAP reviews in 1996 and 1999. At that time, 2 out of 3 reviewers recommended prohibiting the material, and the third suggested keeping it on until suitable alternatives were developed.<sup>1</sup> However, the unavailability of a 'suitable' natural alternative has continued to delay its removal from the list.

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<sup>1</sup> "All of the TAP reviewers found these three forms to be synthetic. Two TAP reviewers advised that synthetic methionine remain prohibited. The one reviewer who advises the NOSB to recommend adding synthetic methionine to the National List agrees that it is not compatible with organic principles and suggests limitations on its use until non-synthetic sources are more widely available." [OMRI TAP Review, 2001]

## Organic Foods Production Act of 1990 (OFPA)

The Organic Foods Production Act of 1990 (OFPA) outlines a specific set of categories of synthetics that are permitted to be added to the National List. Synthetic amino acids are not in that list, and therefore it is unclear whether DL Methionine should have ever been permitted on the National List. According to OFPA, The categories of synthetic materials that can be evaluated are:

*“copper and sulfur compounds; toxins derived from bacteria; pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals; livestock paracitocides and medicines and production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleansers”;*<sup>2</sup>

Simply because a material has been previously added to the list does not guarantee that appropriate or legal decision-making was used in its addition. We learned from the Office of Inspector General Report, that there are many decisions made in the past by the NOP that do not have documentation to show due diligence was completed in the decision-making process. Therefore, we question the suitability of even considering the amino acid, DL methionine to be the National List of approved synthetics.

### Alternatives

In this most recent re-petition of DL Methionine, the Methionine Task Force made a presentation stating that viable “commercial” alternatives were not yet available. Yet, we feel that it has been the implicit message from the NOSB that it has no real intention of completely sunseting this material. This has sent a message to the industry that there is no need for them to make serious investments in alternatives or changes to their practices, based on the belief there will be continual renewal at every sunset date. Again, refer to the May 2001 TAP review by OMRI for history regarding this line of thinking:

*“Although there may be limitations in the current supply of diverse organic protein sources, a requirement for natural, non-GMO sources of methionine will stimulate market development in organic and approved feedstuffs. Other natural sources, such as*

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<sup>2</sup> (c) Guidelines for Prohibitions or Exemptions.

(1) Exemption for Prohibited Substances. The National List may provide for the use of substances in an organic farming or handling operation that are otherwise prohibited under this chapter only if (A) the Secretary determines, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, that the use of such substances

(i) would not be harmful to human health or the environment;  
(ii) is necessary to the production or handling of the agricultural product because of unavailability of wholly natural substitute products; and  
(iii) is consistent with organic farming and handling;

(B) the substance

(i) is used in production and contains an active synthetic ingredient in the following categories: copper and sulfur compounds; toxins derived from bacteria; pheromones, soaps, horticultural oils, fish emulsions, treated seed, vitamins and minerals; livestock paracitocides and medicines and production aids including netting, tree wraps and seals, insect traps, sticky barriers, row covers, and equipment cleansers;

(ii) is used in production and contains synthetic inert ingredients that are not classified by the Administrator of the Environmental Protection Agency as inerts of toxicological concern; or  
(iii) is used in handling and is non-synthetic but is not organically produced; and

(C) the specific exemption is developed using the procedures described in subsection (d) of this section. [OFPA 2118(c)(1); or 6517(c)(1)(B)]

*fish meal, crab meal, and yeast are also available, and would be more compatible with organic standards than synthetic ones. Clarification of the status of some of these alternatives is needed. If synthetic substances are allowed to substitute for organic feed, that undermines the incentive to produce organic feedstuffs.”*

Alternatives do exist, and are very close to commercial-level production. In most cases, an infusion of money (i.e., from industry) would facilitate the ramping up of production levels. Following is a short description of three of the commercial alternatives. We are aware that others also exist. In addition, as noted in the proposed rule, there are abundant natural feed sources with high percentages of methionine.

#### ALTERNATIVE 1: High Methionine Corn.

In a presentation to the NOSB a year ago, it was noted that a new High-Methionine variety corn was in its last years of grow-out, and needed 4 more grow-outs (2 seasons each in the north and the south) to be commercially available. Yet, due to a bias at USDA against non-GMO corn, the researcher could not secure funding to complete this grow-out. Fortunately, that project did receive OREI funding for next year in this most recent round.

Clearly, had the industry felt the pressure to find an alternative, this funding might have come from the private sector. When asked if financial investment from the industry would speed the development process, a primary researcher on this project, Walter Goldstein gave this response:

*“Definitely it would. We are short-handed and under-funded for accomplishing what needs to be done even with the OREI grant. Specifically we need money for the multiplication of larger amounts of seed than can be handled with OREI money, for more staff, and for more testing.”*

#### ALTERNATIVE 2: Vitalfa (alfalfa pellets).

This material may or may not need petitioning (it is mechanically produced directly from alfalfa), but the manufacturer was not permitted to even bring the petition before the NOSB by the previous NOP. It is currently expensive in the form produced in France, but if a demand were clear, increased production in the United States would bring down the price. Recently, some movement has developed to begin manufacturing the pellets in the U.S. The developer noted to us that they just were not sure that the demand would be there, and were reluctant to begin manufacturing without a clear path in the regulation.

#### ALTERNATIVE 3: Bacteria-based methionine

Bacteria-based methionine is being developed by Joe Ward of Professional Proteins in IA , with no outside funding or support.

It is probable that these alternatives will, at least in the beginning, be more expensive and cause the cost of feed to rise. However, cost is not a criteria for whether or not a material should be on the National List.

So, here we are in 2010 with a proposal to extend the use of synthetic methionine until 2012, with a promise of new rulemaking for stepped-down use after that until 2015.

**Twenty years** following its first petition, this synthetic feed supplement will still be in use in organic production – despite the fact that all reviews noted that a non-synthetic replacement needed to be found. This is unacceptable for organic poultry production, and unacceptable as a precedent for the use of all synthetics in organic production.

Acknowledging that industry has continued to drag its feet in financially supporting and developing commercial alternatives to synthetic methionine, we understand that it would be an extraordinary burden to call for the immediate removal of this material from organic poultry production. Therefore, we call for the absolute sunset – i.e., removal – of DL Methionine from the National List by October 1, 2012.

Thank you for the opportunity to provide comments.

Sincerely,

Liana Hoodes, Director