

Battles for the Soul of Organic: The Grassroots Versus the Suits

By Grace Gershuny

Introduction

Agribusiness apologists ask us to consider how we can feed a world population that is expected to reach nine billion in a few years. All the tools of modern scientific agriculture are needed, they say, and we cannot return to the outmoded and unscientific methods represented by organic farming. Activists who oppose the agribusiness scenario point to mounting evidence that organic farms are as productive as chemical intensive ones, use fewer nonrenewable resources and less energy, protect soil and water quality, treat livestock humanely, and help mitigate climate change by sequestering carbon in soil organic reserves. At the same time many of the same activists attack ‘industrial organic’ companies, and demand stricter standards to maintain ‘organic integrity’ and meet consumer expectations. As a result, young food system activists increasingly believe that the organic label has been ‘hijacked’ by agribusiness and is therefore now meaningless.

Part I – History of organic standard-setting and controversies

The organic community in North America has long been divided along philosophical and ideological lines. While the organic pioneers have mainly been identified with the ‘counterculture’ and its associated political and social movements, increasing mainstream acceptance has resulted in the engagement of more pragmatic and business-oriented players. Many are unaware of the roots of some organic proponents in fascist ideologiesⁱ. Tension between the ‘grassroots’ (small-scale, locally focused organic farming advocates), and the ‘suits’ (middlemen, manufacturers and distributors seeking to profit from the rapidly growing organic sector) has been a continual factor in drawing battle lines over organic standards and requirements, especially with the onset of the Federal regulation.

Regulation of the organic label by the US Department of Agriculture (USDA) is now nearly universally recognized as a positive achievement with respect to stimulating growth of the market. Its introduction has pulled with it increased organic production along with increased investment in research and public recognition of the benefits of organic agriculture. However, there are those who regard government regulation of the organic movement with suspicion and even hostility, always ready to assume the worst and often finding their suspicions justified. This suspicion has been widely and repeatedly communicated within the progressive social activist community, which has long held as a given (not without justification) that the USDA is a captive of corporate industrial agribusiness interests, as documented by authors such as Marion Nestleⁱⁱ. This suspicion has created a form of self-fulfilling prophecy, and is now threatening to undermine public confidence in the credibility of the organic label.

At the time of writing this chapter, the current economic recession has depressed the growth of the organic market, yet it is still expanding, growing by about 5% annually since 2009, and more recently approaching double digits. In comparison, conventional food sales have been flat or shrinking. However, while organic food (and non-food products) now comprises close to 4% of the food system in the US, at less than 1% it still accounts for a tiny fraction of domestic agricultural production.ⁱⁱⁱ

Many young activists, amplified by popular writers such as Michael Pollan,^{iv} and by films such as ‘Food, Inc.’^v, regard the USDA organic label as compromised at best, and possibly meaningless. There is also an increasing proliferation of – and confusion about – terms and eco-labels such as ‘natural’, ‘sustainable’,

‘green’, ‘fair trade’, ‘humane’ and ‘local.’ Some of these labels include transparent standards and third party verification, but most do not; many claim to be ‘beyond organic’. A long time administrator of a respected organic farming organization recently confided that ‘it’s almost embarrassing to refer to ourselves as organic’.

This three-part chapter will explore the history of organic standard setting in the US, focusing on the role of social activist groups advocating for various forms of ‘alternative agriculture’, including family farm, environmental and consumer protection agendas. How has this activity affected the development of the USDA National Organic Program (NOP)? To what extent do misconceptions and misleading information circulated by self-appointed ‘watchdogs of organic integrity’ contradict the organic vision and work against the interests of small-scale organic farmers, including smallholder organic farmers worldwide?

Organic Standards before the Organic Foods Production Act (US organic law)

Organic certification in the US began in the early 1970s, initiated through groups of like-minded farmers and would-be farmers in those regions, primarily on the West coast and a bit later in the Northeast, where the organic movement was seeking to define itself. Administration, inspection and decision-making were volunteer-based, with the certified farmers approving standards and conducting peer reviews. Standards and certification procedures were borrowed freely from other organizations, and all had a local or regional focus.

Although there were some grain producers, particularly in Midwestern states such as Minnesota, the majority of certification in both western and eastern regions was for fresh produce. Initially there was little awareness of post-harvest or handling concerns, or involvement by middlemen or processors. Very little attention was given to livestock or dairy standards, though the importance of including some livestock as part of the farming system was considered key from the start.

Consumers were rarely represented in early standards discussions, even though the rationale for farmer participation in certification included market development and consumer assurance. The focus was on what made sense ecologically in that region, as well as the practicality of different requirements for working farms. The scientific justification for a given practice was key, and it was believed that consumers would neither understand nor care about the technical details. The promise of ‘food you can trust’ was backed up by a system of farmers watching over each other.

In the Northeast, the first certification program for the Northeast Organic Farming Association (NOFA) was developed in 1977. However, primarily due to a lack of market demand for certification those early years were characterized by a low level of participation – about five producers registering per year through the early 1980s.

Markets in this region were almost exclusively local food cooperatives, restaurants and small health food stores, as well as direct sales at farm stands and farmers markets. There were a few producer cooperatives and larger growers who dealt with wholesale markets such as cooperative distributors. Those who sold direct to consumers, including early community supported agriculture farms, generally saw no need for certification, although an early experience with fraud convinced many of its importance.

The pivotal year for the organic community in the Northeast and the whole of the US was 1984. Certification in the Northeast was substantially boosted by the arrival of a large organic produce wholesaler who sought suppliers from a different state and required certification. Under their sponsorship the Organic Crop Improvement Association (OCIA) was initiated as a pilot project. This became the first nationwide chapter-based certification program to operate under a single set of standards.

It was at this time that the International Federation of Organic Agriculture Movements (IFOAM) called a North American meeting of organic certifiers and businesses to consider developing unified standards. For the first time representatives of grassroots organic organizations and organic processors and marketers met to work together on common concerns. From this meeting the Organic Foods Production Association of North America (OFPANA), which later changed its name to the Organic Trade Association (OTA), was born. While the grassroots organic organizations played a central role in its formation, many of them have since abandoned the OTA, refusing to collaborate with ‘corporate organics’ (e.g., Horizon Organic Dairy, Smuckers Foods), whom they view as having control of the organization.

OFPANA/OTA’s first project was to create a set of unified ‘Guidelines for the Organic Foods Industry’^{vi}, which was to form the basis for evaluating and then accrediting standards and certification programs. In the course of developing this document the standards from all known North American certification programs, including the handful of organic programs established by state agriculture departments, were compared. There was remarkable consistency among the standards, with only a few variations such as whether or not the use of Chilean nitrate was permitted and different lengths of the conversion period. There were regional differences in other aspects, such as allowance for livestock medications in the case of illness and use of some non-organic livestock feed.

These differences were generally covered under ‘grey areas’ that allowed use of ‘restricted’ or ‘regulated’ practices and substances under certain specified conditions. Farm plans were universally required to document what practices were used, provide justification for use of any ‘restricted’ practices (based on monitoring of conditions in the field), and describe how the farmer would move away from reliance on them. This system provided ultimate flexibility to allow consistent application of clear organic principles to different ecological conditions, in contrast to a ‘one size fits all’ approach.

Meanwhile the problems of multiple competing and inconsistent certification systems were mounting. Certifiers would not accept each others’ certifications, and states had conflicting labeling rules. Despite the similarities of their standards, every certifier claimed theirs to be the ‘highest’ or ‘strictest’, and mutual distrust was rampant. Producers often needed multiple certifications for different markets, and manufacturers of multi-ingredient organic products had huge headaches working with suppliers whose certificates were not accepted by their own certifier. It was, in short, a mess.

With a mission to unite the industry, OFPANA/OTA originally intended to develop an accreditation program for mutual recognition amongst certifiers. This idea was later picked up by IFOAM, although the reciprocity part did not quite happen. Several meetings were held with the aim of promoting voluntary reciprocity agreements between certifiers, without success.

Polarization and divisiveness in the US organic community has, sadly, been one of its defining features, despite various attempts at unity. The failure of this voluntary reciprocity effort led directly to calls for federal legislation to facilitate interstate trade in organic products under consistent national standards.

Part 2 – Organic standards become law

The story begins with two controversies over organic standards that later determined the direction of the Organic Foods Production Act (OFPA). The newly formed Organic Trade Association (OTA, then known as OFPANA) had produced a set of “Guidelines for the Organic Industry” in 1986. These guidelines were based on three overarching precepts that distinguish organic standards from other types of standards:

1. Organic standards address the process of producing an agricultural product, rather than any measurable quality of the product itself.
2. Organic standards encourage the most environmentally sound farm practices, with flexibility to allow for geographic and site-specific differences, referred to as “agronomic responsibility.”
3. Organic standards require producers to demonstrate continual improvement in the quality of their management system, as evidenced by improved soil and water quality, crop quality, biological diversity and other factors outlined in a farm plan.

The first of these came into question when a laboratory owner argued that the absence of pesticide residues, and possibly also nutritional analysis of a product, should be the primary focus of organic standards. Several OTA/OFPANA members drafted a position paper arguing that the organic nature of a product resulted from a holistic set of attributes and production methods which could not be based on laboratory analysis of product quality. This position was affirmed by the Board of Directors^{vii}.

The second and more contentious issue turned on the question of whether the use of specific farm inputs should be allowed or prohibited based on their origin from either natural (e.g. botanical pesticides, mined rock powders) or synthetic (e.g. organophosphate pesticides, anhydrous ammonia) sources, or whether the criterion of “agronomic responsibility” was most important for evaluating farm inputs. This generated a heated debate, with the Board split fairly evenly. Proponents of the “origin of materials” criterion acknowledged that this was neither scientifically valid nor consistent with prevailing norms for organic production methods. However, they argued that consumers had come to expect that organic food was produced without the use of “synthetic chemicals,” and that this expectation should not be violated.

The membership was asked to vote by mail for the position they favored. By a narrow margin the tally resulted in a majority favoring “origin of materials” as the basis for organic standards. The OTA/OFPANA Board then changed the Guidelines to prohibit all synthetic materials, and to establish criteria by which some synthetics (e.g., dormant oil, a light petroleum-based oil sprayed on fruit trees when they are dormant in order to smother pests that overwinter in the bark) might be considered acceptable on a case-by-case basis. This approach was later enshrined in the OFPA, with the responsibility for determining which synthetics should be allowed and which “naturals” should be prohibited given to the National Organic Standards Board (NOSB).

Pressure mounts for legislation

Although a few members of Congress had previously sponsored organic labeling bills, none were supported by the organic community. Then, early in 1989 the popular television news magazine, *60 Minutes*, aired an exposé about the dangers of the synthetic growth regulator Alar, widely used on apples to allow harvest of the whole crop at once. Overnight, supermarkets started featuring displays of apples that were claimed to be “organic.”

What came to be known as “Alar Sunday” resulted in a clamor by consumer groups for legislation to protect the public from fraudulent organic claims. It soon became known that Senator Patrick Leahy (D-VT), a strong supporter of sustainable agriculture, had taken up the task. With the threat of Federal legislation looming, the grassroots organic organizations that had developed and refined the system of organic certification saw the need to band together to help shape the bill to reflect the farmer groups’ understanding of what ‘organic’ really meant.

Under the aegis of OTA/OFPANA, a national meeting of the grassroots organic producer groups was held in December of 1989. Calling itself the Organic Farmers Associations Council (OFAC), representatives from producer groups all over the US met – many for the first time – to agree on common principles and definitions of organic agriculture and to dialogue with Senator Leahy’s staffer, Kathleen Merrigan, about provisions that should be included in the law. This coalition was hardly unanimous in its support for Federal organic legislation, but the leadership helped convince their members that if they didn’t get involved it would be drafted without them – a potentially disastrous situation for organic farmers.

A victory for the grassroots organic producers

As legislative language was being hammered out, OFAC put together a coalition of consumer and environmental groups, along with the organic farm constituency. Other players also got into the act, including a group of organic manufacturers and business people who hired an expensive Washington lobbying firm. Credit for the passage of the law, however, truly belongs to the grassroots organizing effort – phone calls, letters and personal testimony from organic farmers and consumer representatives from all regions of the US put enough pressure on key Congress people to force an unprecedented floor vote in the House of Representatives, despite the opposition of the House Agriculture Committee and the USDA (US Department of Agriculture).

The law that was finally passed includes a blanket prohibition on ‘synthetic’ substances and allowance for ‘natural’ ones, with the possibility of exceptions as discussed previously. It also assigned to USDA’s Agricultural Marketing Service (AMS) the task of implementation, including developing programs to certify organic operations as well as to accredit organizations who could carry out the certification program on its behalf. Despite a number of internal contradictions and errors in the law, no technical corrections were requested by USDA, which had opposed the law and therefore also requested no funding from Congress to implement it.

The law established the National Organic Standards Board (NOSB) as a Federal advisory committee^{viii} charged with oversight of the National List of permitted synthetic and prohibited natural substances, as well as offering general guidance to the USDA. The first 15 member NOSB was not appointed until 1992, when the administration changed in Washington. With only one half-time staff person assigned to manage the new program within the USDA, the NOSB’s volunteer industry representatives took the initiative to begin drafting regulations—a task normally assumed solely by the agency staff. They circulated drafts of all aspects of the expected regulation and held a series of meetings to receive public comment, resulting in a set of final recommendations that were submitted to USDA in 1994.

Creation of the NOP

With a more sympathetic administration, some resources became available to begin implementation of the National Organic Program (NOP). The first couple of full-time staff members were hired in 1993, and then in 1994 an additional handful were brought on – including one recruited from the organic community who was knowledgeable about organic principles and practices: this author.

The original few NOP staff members were career bureaucrats who had had some previous involvement in organics, and were committed to crafting a regulation that would honor the true spirit of the organic vision and be workable for small farmers, as well as being legally airtight. Not an easy task.

The author’s first assignment was to draft a set of organic principles^{ix}, which was ultimately approved by the NOSB with minor amendments, and later condensed into a definition of “a System of Organic Farming and Handling” or SOFAH, included in the first regulatory draft as:

A system that is designed to produce agricultural products by the use of methods and substances that enhance agroecosystem health within an agricultural operation and that maintain the integrity of organic agricultural products until they reach the consumer. This is accomplished by using, where possible, cultural, biological and mechanical methods, as opposed to using substances, to fulfill any specific function within the system so as to: maintain long-term soil fertility; increase soil biological activity; recycle wastes to return nutrients to the land; provide attentive care for farm animals; enhance biological diversity within the whole system; and handle the agricultural products without the use of extraneous synthetic additives or processing in accordance with the Act and regulations in this part.

This definition became the SOFAH on which the entire regulation was designed to rest, a yardstick for determining the compatibility of a given practice with the organic vision.

The first complete draft of the regulation took another three years to finish. In addition to the law itself (which, absent early technical corrections, included significant contradictory and ambiguous language), the NOSB's recommendations and the OFPANA/OTA Guidelines were key reference documents.

Many battles were fought in the course of drafting the rules. Almost every agency within the USDA, as well as parts of US EPA (Environmental Protection Agency) and FDA (Food and Drug Administration) was affected by and had to approve the document. In addition to internal struggles, the relationship between the NOP staff and some members of the organic community, including the NOSB, was adversarial from the start. There were many who never wanted the law to begin with, and almost everyone distrusted the USDA to get it right. Ironically, a common accusation was that USDA was trying to "take over" organic standards. This antagonism created more delays and frustration for everyone.

Finally, in June of 1997 a draft was approved by all necessary agencies, including the Secretary of Agriculture. The internal fight to prohibit both genetically modified organisms (GMOs) and irradiation for organic production – both of which were (and are) actively promoted in other branches of the USDA – had been won. Unfortunately, there was one more government hurdle to overcome – the Office of Management and Budget (OMB). They had to approve any new 'significant' regulations and were unwilling to accept the prohibitions on GMOs and irradiation, also demanding several other changes that effectively gutted the organic vision, represented by the SOFAH definition, embedded in the draft. The only option left to the staff was to make the changes required and ask for public comment about the now missing prohibitions. The proposed rule was published in December of 1997.

Although the staff had protested strongly at the changes and warned senior officials about the kind of response to expect, nobody was prepared for the onslaught of public outrage that followed. Self-appointed "watchdogs of organic integrity" spread distorted information that whipped up hysteria about corporate agribusiness-controlled bureaucrats seeking to undermine the meaning of organic and "water down the standards." This was the first proposed rule to accept public comments via email, and it generated a record 275,000+ mostly negative messages – the majority of them form letters circulated through consumer networks and retailers. The personal attacks and utter nonsense coming from former colleagues and friends was crushing.

The uproar resulted in making scapegoats of the NOP staff members who truly cared about the organic vision and the impact of the new rules on small organic farmers. A new NOP Program Manager was hired in 1998, who responded to political pressure from the community by discarding the initial proposal and starting over. It took another year to create a new proposed rule, deleting the 'SOFAH' definition and substituting "practice standards" for more flexible criteria of compatibility with a system of organic farming and handling, among other changes considered to be "higher" standards.

With the USDA hierarchy now chastened by public anger, the path to finalization was much smoother than it was the first time around. In the Fall of 1999, OFPA author Kathleen Merrigan (who ten years later became Deputy Secretary of Agriculture) was appointed AMS Administrator and was able to midwife the publication of the final rule at the end of the year, just before the next change of administration in Washington. Before an organic producer or handler could be certified in compliance with the NOP an initial group of accredited certifying agents would first have to be accredited—the new rule would thus not be fully implemented until 2002.

The repercussions of these events continue to be felt in the ongoing regulatory approach that accedes to public demands for “stricter” standards, to the detriment of small organic producers and, in this author’s opinion, the true organic vision. The third and final segment of this chapter examines the development of the NOP since implementation, and the questions raised by younger generations of food activists as the organic industry appears increasingly dominated by global big business and incomprehensible regulatory complexity.

Part 3 – What is the future of organic?

The general message communicated by the activist community was that the new regulation was far from perfect, but acceptable, but that the NOP (and of course the rest of USDA) was still not to be trusted. Since then periodic action alerts have stimulated a flurry of emails and public comments to avert another “sneak attack” on organic integrity, usually by some corporate organic evildoer seeking to weaken the standards^x. A few ‘watchdog’ organizations have garnered substantial donations and foundation support to lead the charge to protect organic integrity by keeping the standards as high as possible.

Today the growth of the organic industry appears unstoppable. Despite the economic crisis and general downturn in sales of consumer goods, organic sales have continued to increase, albeit at a more modest rate. Unquestionably, organic has entered the mainstream, and can be found in virtually any conventional store, available to consumers who would never patronize a natural foods market. Research funds have started to flow to organic-oriented farm technologies, and conventional universities offer coursework and concentrations in organic and sustainable agriculture.

To many in the activist community, including some pioneering organic advocates, this success represents a defeat of the vision of transformation of the food system – a sell-out of true organic values (such as the social goals of small-scale, decentralized agriculture and agrarian independence) to the globalized industrial monoculture system that drives out small farmers and mass produces uniform, lesser quality products that are processed and distributed via exploitive, profit-driven corporate entities. While they may admit that there is much to celebrate in increased numbers of small organic producers and support for local, artisanal foods, they see this improvement as coming in spite of, not as a result of, the federal regulation of organic.

Organic Expansion at USDA

The NOP today has evolved from a minor program in a small division of the Agricultural Marketing Service (AMS) to its own division, with its budget and staff doubling in a single year. Miles McEvoy, former Director of the Washington State organic program, became Deputy AMS Administrator in charge of the NOP in 2009. Kathleen Merrigan, author of the OFPA and AMS Administrator during the last months of finalizing the NOP regulation, was appointed Deputy Secretary of Agriculture that same year, serving until May of 2013, and created the high level position of Organic Program Coordinator to better integrate organic into every aspect of USDA.

NOSB (National Organic Standards Board) meetings are held twice a year, and the amount of time and effort needed by this all volunteer committee to keep up with its responsibilities mounts geometrically. In the aftermath of the first proposed rule, when the relationship between NOP and the NOSB was strained, the NOP made a political decision not to act on any standards-related issue until it received a recommendation from the NOSB. There remains widespread public misunderstanding of the NOSB's strictly advisory role, although the NOP-NOSB relationship has gradually become a more collaborative one.

One topic that continues to occupy endless hours of committee time, public input energy, and industry concern is the question of classification of materials: Should a given substance be considered synthetic or nonsynthetic?^{xi} If it is not synthetic, is it agricultural or nonagricultural? As an example of the inordinate impact of these questions, in 2010 the NOSB Crops Committee voted to recommend classifying Corn Steep Liquor (CSL), a byproduct of the wet milling of corn, as synthetic. CSL is widely used as an ingredient in commercial organic-approved fertilizer formulations, due to its high nitrogen content, and classifying it as synthetic would make it prohibited as a fertilizer ingredient. A minority opinion of the Crops Committee opposed this determination, based on the technical reviews of the CSL production process, the OFPA definition of 'synthetic', and the secondary definition of 'chemical change';^{xii} the discussion involves fine distinctions about different types of chemical reactions. The full NOSB did not vote on the recommendation at its fall 2010 meeting, and in 2011 the NOP issued a memorandum stating that CSL would continue to be classified as nonsynthetic and therefore acceptable for use as an organic fertilizer ingredient until such time as the NOSB were to vote that it should be classified as synthetic. As of June, 2013 the NOSB had not yet complied with this request, and the NOP issued a request for public comment about how to classify CSL, along with a list of other widely used organic waste products that are subject to some kind of chemical treatment. The question remains: What difference does this distinction make with respect to the principles and values of organic agriculture?

Harvey Splits the Organic Community

Shortly after NOP implementation an organic inspector and blueberry producer named Arthur Harvey filed a lawsuit against the NOP, alleging that parts of the regulations were inconsistent with the law. Although the suit was at first overruled, Harvey persisted and convinced many of the grassroots organic and sustainable farm organizations to sign on as amici (supporters of his claims). An appellate court overturned much of the earlier decision and ordered the NOP to bring its standards and program into compliance.

The most significant impact of the Harvey victory was the interpretation that the law did not allow for any synthetic substances to be used as ingredients in or on organically labeled products. This was one of the parts of the law that contained ambiguous and contradictory language, about which the consensus of the community had been to permit some synthetic substances to be used in handling, and later make appropriate technical corrections to clarify the law. Examples of these substances, all approved by the NOSB for inclusion on the National List, are ascorbic acid (Vitamin C), magnesium chloride (used to make tofu), and leavening agents used as ingredients in baking powder^{xiii}.

The previous consensus was thus broken by those groups who signed on as amici to the Harvey case, and who now came into direct conflict with the rapidly growing organic business sector, represented by the OTA (Organic Trade Association). Numerous organic manufacturers had by this time begun to market hundreds if not thousands of products legitimately labeled "organic" that would no longer be able to use the USDA organic seal. For example, most organic sugar is filtered to remove impurities, through the use of calcium hydroxide or slaked lime as a processing aid. The result of the Harvey decision would be that

refined sugar could no longer be considered organic, but only represented or labeled as “made with organic ingredients.” This would then disqualify many organic products that contain a significant percentage of refined sugar, such as sweetened drinks, chocolates and cookies, from displaying the coveted USDA organic label.

Finally, the OTA decided to do something about the looming catastrophe unleashed by Harvey, and lobbied successfully for a minor change in the OFPA in 2005. Once again the self-appointed ‘watchdogs of organic integrity’ unleashed a barrage of attacks, charging that allowing use of ‘synthetic chemicals’ in organic foods undermined confidence in the organic label and permitted the takeover of organic by corporate interests.

Not much later a genuine ‘sneak attack’ on the OFPA occurred when an amendment was inserted allowing up to 20% of nonorganic feed to be given to organic livestock. A poultry company in Georgia had asked their Senator to introduce this item via a routine budget bill, claiming it was necessitated by the high cost of organic feed grain. Senator Patrick Leahy (D-VT, original sponsor of the OFPA) was again enlisted by the community, including the OTA, to put the law back the way it was, but necessitating political tradeoffs such as allowing organic certification for wild caught seafood.

Beating the Drum for Higher Standards

By the middle of the decade the NOP had grown considerably, but was still vastly understaffed compared with the industry it was charged with regulating, which was growing by around 20% a year. Dealing with the Harvey lawsuit and the mandated changes to the regulation had drained significant staff time and again created an atmosphere of hostility, not only between the organic community and the NOP, but between different sectors within the community.

Since that time the activist sector has focused primarily on demands for stricter livestock and dairy standards. In 2007 a Wisconsin based advocacy group sued a large organic dairy producer, as well as the USDA, for mislabeling milk as organic because animals were not being managed on pasture as called for in the regulation. Aggressive publicity fanned consumer concerns by painting a picture of the corporate friendly USDA allowing deceptive practices by large animal confinement operations, calling into question the trustworthiness of the industry in general as well as the regulators.

The NOP responded with a proposed regulation on access to pasture for ruminants that included some draconian requirements, such as requiring animals to be outdoors year round, with exceptions only for “hazardous” weather events. The tactic of forcing the community to request somewhat looser standards succeeded, with the final rule reflecting a much more moderate approach. The impact on small livestock producers remains to be seen, as the increased documentation of feeding practices and cost of verifying those practices is felt.

Conclusion: Questions to Consider

The pioneers of organic agriculture as well as the younger generation of organic producers continue to grumble about compulsory certification and USDA “stealing” the organic label. Many small organic producers have either dropped out of organic certification altogether or switched to concepts like “Farmers Pledge” and “Certified Naturally Grown,” forms of a participatory guarantee system. “Everything I Want to Do is Illegal” proclaims Joel Salatin, a Virginia farmer featured prominently in the film, *Food, Inc.*, whose book by that title bemoans the encroachment of federal bureaucrats into regulation of the “O” word.

An article in The New York Times from April of 2010 describes the situation of some organic farmers in upstate New York, who “can’t make a living because it is so expensive for them to comply with the federal certification requirements for organic foods.”^{xiv} Food system activists almost universally focus on promoting local foods and more direct farmer-consumer relationships. Some denigrate ‘corporate organic’ food that comes from far away or dismiss as not credible organic products obtained from large retail chains. An informal poll about perceptions of organic standards and regulation, conducted by the author in several classes and workshops, reveals that student activists who consider themselves well informed and concerned about food system issues generally agree that organic has been corrupted by corporate interests who have weakened the standards to the point of being meaningless.

Other food system activists aim to go “beyond organic,” and look to ecolabel schemes or social criteria such as animal welfare, fair trade, or sustainably harvested, often denigrating organic standards for failing to include preferences for small farmers or requirements for labor conditions. All such schemes involve similar concerns for maintaining ‘strict’ or ‘rigorous’ standards, and involve costly and arduous third party certification requirements – all in the name of protecting consumer confidence in their label. Few question the assumption that more restrictive or complicated standards benefit smaller producers, although the reverse is generally shown to be true.

This misperception, referred to as the ‘myth of higher standards,’ surely represents one of the biggest mistakes made by the alternative-sustainable-organic food systems activists. This is the explanation presented in the author’s blog post of December, 2008:^{xv}

The gist of the problem is this: The activists have had it wrong all along. They believe without question that the only way to fend off the takeover of organic by global corporate evildoers is to keep up the pressure to make the standards as tight, strict, rigorous and undiluted as possible, and use consumer perceptions as their rationale. They mistakenly believe that regulation of the organic label is comparable to regulations that prohibit misdeeds by corporate polluters. Not true.

The difference is one that very few outside of government and some rarified academic fields seem to get, but which immediately makes sense to most people – even ignorant consumers – when it is explained. The short explanation is that, unlike a traditional environmental or consumer protection regulation that keeps giant corporations from threatening the health of consumers and the environment, the NOP is a marketing program that establishes minimum requirements for those wishing to enter the organic market.

In marketing programs, tightening the standards is a strategy commonly used to benefit established players and limit competition by potential new entrants. It has nothing to do with protecting consumer interests, and works against consumers by maintaining high prices and limited supply for products that may not be demonstrably superior (e.g., spotless apples drenched in pesticides). It also has nothing to do with protecting the environment, and may even harm it, as may be seen in some of the provisions in the new proposed rule on access to pasture [discussed previously]. In fact, tightening the rules creates more obstacles for small players to enter the market than for large players, who are accustomed to meeting bureaucratic requirements and have paid compliance staffs. They actually prefer to have tighter standards, to protect the substantial investment needed to get in.

Monsanto was keenly aware of this mistake when it submitted its public comment in response to the 1997 NOP proposed rule. Although the corporation had lost its battle within USDA to allow the use of GMOs in organic food, it had triumphed through its influence on OMB. However, as discussed previously, nobody was prepared for the overwhelming negative public response to that initial draft regulation. Monsanto then reconsidered its position, and suggested that it supported prohibiting GMOs in organic food, which would give consumers who wished to avoid these perfectly safe ingredients a choice. They

also stressed their support for keeping organic standards as strict and rigorous as possible. This strategy paid off handsomely – conventional producers have seen little advantage to converting to organic production, GMO crops now account for a huge chunk of US agricultural acreage, and the threat of mandatory labeling of GMO foods was defused for over a decade.

Besides the constant message of distrust of USDA organic, mostly from the political left, the opposition of conventional agri-business to government support of organics has also intensified. Organic producers are portrayed as relying on unscientific, outmoded methods that cannot feed the world's growing population.

There are many questions to consider as the organic community and its regulatory mechanisms move forward. Does it make sense to restrict the organic label to only those who have the wherewithal to meet ever escalating bureaucratic requirements? Should consumer perceptions and expectations about organic purity and avoidance of 'synthetic chemicals' dictate standards? Can the social and ecological damage done by a market driven system that has turned food into a mass produced commodity be reversed through a market-based strategy?

Without doubt organic agriculture represents an important part of the solution to the global climate crisis now confronting us, in addition to myriad other problems of environmental degradation and their human health consequences attributable to conventional agriculture. This potential can only be realized if organic production expands much faster than is currently happening, at least in North America, where still less than 1% of agricultural land is farmed organically.

Organic production alone cannot solve all the problems of the food system. Saddling organic producers and handlers with ever "higher" standards, and adding on desirable social criteria, creates unnecessary obstacles to solving the problems that organic production can solve. Activists who are outraged at large corporations getting involved in organics should ask themselves to what extent they are bolstering the argument, often made by conventional agribusiness, that organic can never be more than a small niche market that caters to the elite and the fanatic—and could never feed the world.

One corollary to the adage that we must not let the perfect be the enemy of the good is that we should not make the good into our enemy because it is not perfect.

Links:

NOP Home Page:

<http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateA&navID=NationalOrganicProgram&leftNav=NationalOrganicProgram&page=NOPNationalOrganicProgramHome&acct=AMSPW>

OFPA, as amended in 2005:

<http://www.ams.usda.gov/AMSv1.0/getfile?dDocName=STELPRDC5060370&acct=nopgeninfo>

Chelsea Green authors' blog for Grace Gershuny:

<http://chelseagreen.com/blogs/gracegershuny/>

ⁱ Conford, Philip. *The Origins of the Organic Movement*. Conford, Philip. Edinburgh, UK: Floris Books. 2001.

ⁱⁱ Nestle, Marion. *Food Politics: How the food industry influences nutrition and health*. Berkeley: University of California Press. 2007.

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- iii Green, Catherine, et al.. “Emerging Issues in the US Organic Industry”. USDA, Economic Research Service. Economic Information Bulletin No. (EIB-55). June, 2009
- iv Pollan, Michael. *The Omnivore’s Dilemma: A Natural History of Four Meals*. New York: Penguin. 2006.
- v Kenner, Robert, dir. *Food, Inc.* 2008.
- vi Gershuny, Grace and Joseph Smillie. *Guidelines for the Organic Foods Industry*. Organic Foods Production Association of North America (now the Organic Trade Association), January, 1986.
- vii Meyer, Harlyn, ed. “Laboratory Testing and the Production and Marketing of Certified Organic Foods.” OFPANA Position Paper #1. December, 1986.
- viii In accordance with the Federal Advisory Committees Act or FACA. Despite the widespread belief that the NOSB has final authority over the National List, FACA clearly allows no such regulatory authority for Federal advisory committees.
- ix National Organic Program Staff. “Prologue: Moving Towards Sustainability.” 1995.
- x See for example <http://www.beyondpesticides.org/organicfood/alerts/index.php>.
- xi Although the OFPA used the term ‘natural’ in contrast to ‘synthetic,’ the regulations were written to avoid the use of this indefinable and meaningless term.
- xii Synthetic is defined as “a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources, except that such term shall not apply to substances created by naturally occurring biological processes.” The term ‘synthetic’ is not found in the EU organic regulations, and is there generally equated with substances that are derived from petrochemicals.
- xiii Refer to Section 205.605(b) of the National List, Nonagricultural (non-organic) substances allowed as ingredients in or on processed products labeled as “organic” or “made with organic (specified ingredients or food groups(s)).
- xiv Leonard, Devin. “Green Gone Wrong.” *New York Times*, April 2, 2010.
- xv See Gershuny, Grace. “Are the best organic standards the toughest organic standards? Why the activists got it wrong.” Chelsea Green authors blog, December 3, 2008.
<http://chelseagreen.com/blogs/gracegershuny/2008/12/03/are-the-best-organic-standards-the-toughest-organic-standards-why-the-activists-got-it-wrong/>.