

August 12, 2011

Toni Strother, Agricultural Marketing Specialist
National Organic Program, USDA-AMS-NOP
1400 Independence Ave., SW.
Room 2646 So., Ag Stop 0268
Washington, DC 20250-0268

Re: National Organic Program; Notice of Draft Guidance for Accredited Certifying Agents and Certified Operations: Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production, AMS-NOP-11- 0002; NOP-11-02

Dear Ms. Strother:

We respectfully offer comments on the *Draft Guidance on Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production*. On behalf of Prather Ranch, Swanton Berry Farm, and Jacobs Farm/Del Cabo, we urge you to update the guidance on the use of organic seeds and planting stock.

As organic farmers, we face many challenges— both on the farm and off—growing the best product possible and keeping it affordable. It is with this in mind, that we remain concerned that seeds and plant stock widely used in organic agriculture are grown with prohibited materials – namely pesticide fumigants – that violate existing regulations and that jeopardize the credibility of the organic label. As a result, we believe that the National Organic Program (“NOP”) must act with some urgency to provide guidance to organic growers and certifiers and eliminate the use of these fumigants. With the prospect of methyl iodide use on the horizon, especially in California, this concern seems even greater. As a result, we urge you to consider the following:

- 1. Organic seed and plant stock must be grown without pesticide fumigants.** Unfortunately, due to a lack clarity and lack of enforcement from both certifiers and the NOP, organic nursery growers have been driven out of business and innovation hampered – effectively eliminating “commercially available” alternatives (§ 205.204 (a) (1)). In the case of strawberries, the lack of enforcement undermined Prather Ranch’s organic strawberry start business as they could not compete with conventional counterparts. Without clear enforcement, we fail to create the marketplace for new technologies, especially alternatives to chemical fumigation.
- 2. Small organic growers shouldn’t be punished.** Without clear direction from the NOP, small organic growers who choose to source organic strawberry starts grown without fumigants are unfairly punished. Many of these growers know their consumers and communities intimately and attempt to live up to the highest organic standards. The NOP should support growers that adhere to the intent of the regulations (§ 205.204 (a)) that expressly prohibit the use of pesticide fumigants.

- 3. Support is needed to transition.** Prior to implementation of a new clarifying rule, the US Department of Agriculture and its state counterparts should seek opportunities to provide support for organic seed and nursery growers to transition, both funding and technical support. In addition, the agency should create some initial reasonable period of time that allows for organic growers to transition to the use of fumigant-free organic seeds and starts and also creates a window of opportunity for fumigant-free organic seed and plant stock businesses to establish. This period should be limited so that it is not abused.

We hope you will consider the above comments as you finalize your *Draft Guidance on Seeds, Annual Seedlings, and Planting Stock in Organic Crop Production*. The NOP should play a hand in holding up the highest standard of organic, affirming consumer confidence, and supporting farmers as they work to provide the best possible products across the country.

Sincerely,

/s/
James Rickert
Prather Ranch

A handwritten signature in black ink, appearing to be 'LJ' or similar initials, enclosed within a circular scribble.

Larry Jacobs
Jacobs Farm/Del Cabo

/s/
Jim Cochran
Swanton Berry Farm