



Ms. Michelle Arsenault
National Organic Standards Board
USDA-AMS-NOP 1400 Independence Ave., SW
Room 2648-S, Mail Stop 0268
Washington, DC 20250-0268

Docket: AMS-NOP-18-0029

October 4, 2018

Re: Crops Subcommittee – Strengthening Organic Seed and Planting Stock Guidance
(Proposal)

Dear Ms. Arsenault and members of the NOSB,

We at High Mowing Organic Seeds appreciate the opportunity to provide comments on the Crops Subcommittee’s proposal: Strengthening the Organic Seed Guidance (August 15, 2017). High Mowing is a 100% certified organic vegetable seed company and was founded in 1996 by Tom Stearns with a vision to support the re-building of healthy food systems in the U.S. and beyond through the proliferation of organic seeds. We grow our own seed, contract seed from growers around the world and buy seed from breeder/producers that we sell to home gardeners, homesteaders and commercial growers (who represent more than 50% of our sales).

High Mowing focuses on driving quality standards for organic seeds, while being a model for ethical, organic and non-GMO seed stewardship and collaboration. We breed, grow, clean, warehouse, package, and sell seeds. We currently offer over 700 varieties of seeds and as a vertically integrated and farm-based seed company, we have been able to bring organic seeds to organic growers that they would otherwise be unable to access. We feel grateful for the support our company and seeds have gotten and are honored to have our varieties filling the fields of thousands of acres of vegetables across the U.S. and Canada.

We believe that organic seed and agriculture are the most holistic and scalable alternative to conventional agriculture, and that healthy, organic seeds are the first step to creating a healthy, organic food system. We are proud to say that we sell no conventionally grown or chemically treated seed, and our strict quality standards ensure that there is no cross contamination of our seed with genetically modified seed. Using conventionally bred seed varieties on organic farms can hold back the full integration of organic practices and can ultimately require higher inputs and management. When varieties are used with

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natural disease and insect resistance and nutrient foraging ability, this reduces the need for sprays, including organic sprays, inputs, and other management practices commonly used on conventional farms. Simply put, we believe that organic seed is the right tool for organic farms.

High Mowing Organic Seed’s (HMOS) comments on specific guidance components for consideration.

Proposed amendment to the National Organic Regulations §205.204

<p>205.204(a)(1) – ADD: (i) Improvement in sourcing and use of organic seed must be demonstrated every year until full compliance with (a) is achieved.</p>	<p>205.204(a)(1) – ADD: (i) Improvement in searching, sourcing and use of organic seed/planting stock must be demonstrated every year with the goal of achieving full compliance in the use of only organic seed/planting stock</p>
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HMOS supports the adoption of the regulatory language modification to include (i) “Improvement in searching, sourcing and use of organic seed/planting stock must be demonstrated every year with the goal of achieving full compliance in the use of only organic seed/planting stock”.

Proposed changes to the NOP 5029 Guidance

We recommend the following considerations to the guidance prior to approval:

NOP Guidance 5029

Fall 2017 proposal	Fall 2018 proposal
<p>§ 4.1.2 Certified operations may use non-organic seed and planting stock only if equivalent organically-produced varieties of organic seeds and planting stock are not commercially available, and the conventional replacement variety can be documented as being produced without the use of excluded methods.</p>	<p>§ 4.1.2 Certified operations may use non-organic seed and planting stock only if equivalent organically-produced varieties of organic seeds and planting stock are not commercially available. When there is a risk of excluded-method contamination in seed production, the certified operation may ask the seed supplier for a non-GMO level of purity assurance, and communicate this information to their organic certification agency.</p>

4.1.2: HMOS recommends including the modification “When there is a risk of excluded-method contamination in seed production, the certified operation may ask the seed supplier for a non-GMO level of purity assurance, and communicate this information to

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their organic certification agency”. We want conventional seed that is used by certified organic growers to have a non-GMO level of purity provided by the conventional seed company, for GM methods that can be tested. We think the burden should be on the conventional seed company to prove that their seed that will be used for organic production is free from contamination under 1% contamination. This should be applied to all GM methods where the GM traits can be revealed through testing. If no test is available, documentation of isolation practices that would prevent contamination through cross pollination during seed production and breeding practices used for the variety should be documented by lot. If Organic Seed Companies need to provide this level of documentation, then Conventional Seed Companies selling conventional seed to Certified Organic Growers, need to do so as well.

NOP Guidance 5029

<p>§ 4.1.2(c) On-farm variety trials of organic seed may be used by producers to evaluate and document equivalency and quality of varieties that are available. Trials are encouraged and records of results should be kept to show inspectors, but the trials are not mandatory.</p>	<p>§ 4.1.2(c) On-farm variety trials of organic seed/planting stock may be used by producers to evaluate and document organic variety/cultivar equivalency to the nonorganic item in use. Horticultural crops, which may have specific flavor profiles, size, color or other characteristics, can also be shown to not have an equivalent organic variety through descriptions provided in seed/planting stock catalogs or websites.</p>
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4.1.2(c): HMOS recommends that on-farm trials continue to be included in the guidance as a demonstration of growers’ efforts to increase their percentage use of organic seed. We recommend removing the ‘*but they are not mandatory*’ component of the guidance as it devalues the trialing process in quantifying equivalence. Trials play a critical role in helping growers identify new varieties that perform well in their production system and are available in organic form.

HMOS recommends that “on-farm” trialing be expanded to include trials conducted by large-scale growers, public universities and private companies. It is common for Universities and private companies to provide detailed trial information for growers that have a limited ability to complete single or multiple trials. Documentation of the trials information used to select the variety, regardless of whether it was done on-farm or through a University or private company, is critical.

HMOS also recommends removing and/or classifying the use of catalogue descriptions in justifying use or no use of a cultivar for traits such as flavor profile, size, color or other characteristics. Catalogue descriptions are intended to be generic and capture generalized

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information about a cultivar that may apply broadly. Specific trait performance in particular growing locations, systems, and seasons are not necessarily represented. Large-scale open field and greenhouse growers do not typically use catalogues as a decision making or purchasing tool, they perform applied trials to make varietal determinations and predominantly work with individual sales representatives and/or consultants to determine their seed purchases.

NOP Guidance 5029

<p>Not included, new language was added as "an improvement."</p>	<p>§ 4.1.2(d) Documentation of these trials must be available at the annual inspection. This documentation should include which seed characteristics are desired, and be based upon the varietal benefits of the current nonorganic seed/planting stock in use. The varietal characteristics discovered during the on-farm trial, of both the nonorganic seed/planting stock and the organic seed/planting stock trialed, can be tracked in a simple table or spreadsheet detailing the specific characteristics sought, and whether or not the various varieties grown contained those characteristics.</p>
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4.1.2(d): HMOS supports the new addition of 4.1.2(d) to the guidance. Documentation of variety trials is a measurable and concrete way in which to demonstrate comparison between multiple varieties performance. Variety trialing conducted by large-scale growers, public universities and private companies is common practice. The results derived from these on-farm, university and/or private company trials are reviewed with the grower in the field and greenhouse, and available to them after the data is collated. The data may be placed in a seed suppliers' trial application database or published by a university or private company. Previously compiled data could be transferred to the organic inspector during the certification process to fulfill this guidance requirement, and to ease the burden of inspectors verifying a growers' sourcing attempt.

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<p>4.1.3 The following considerations could be acceptable to justify use of non-organic seeds.....</p> <p>d. Contamination from GMO consideration: non-organic seed can be used if organic seed cannot be sourced because of GMO contamination.</p>	<p>§4.1.3 d. Contamination from GMO Consideration: non-organic seed can be used if there is no organic seed available of equivalent variety with the desired level of purity from GMO contamination.</p>
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4.1.3 (d): HMOS recommends that this consideration be amended to reflect that where testing methods exist, a minimum threshold of contamination be identified and verified by the seed company, and that the GM contamination is below the threshold whether the seed itself is organic or conventional. In this way, the burden is shared between organic and conventional seed companies that are selling seed to certified organic growers.

NOP Guidance 5029

<p>§ 4.2.1 b 1. Evidence of efforts made to source organic seed, including</p> <ul style="list-style-type: none"> i. Documentation of contact with three or more seed or planting stock sources to ascertain the availability of equivalent organic seed or planting stock. Five sources must be contacted for seed of at-risk crops. ii. Sources should include companies that offer organic seeds and planting stock. Such sources should provide evidence of their organic certification (if relevant), ability to source organic seed, and specific varieties sourced every year. iii. Failure to demonstrate improvement in sourcing organic seed over time may result in additional seed sources being required or additional steps taken to procure organic seed. <p>3. If seed sourcing is carried out or mandated by the buyer of a contracted crop, the producer must keep records of the buyer's documentation on attempting to source organic seed as part of the producer's own Organic System Plan. Such documentation must be comparable to that required of a</p>	<p>§ 4.2.1 b 1. Evidence of efforts made to source organic seed/planting stock, including</p> <ul style="list-style-type: none"> i. At least five documented sources must be contacted for seed/planting stock of all crops when this number of sources is available for an equivalent variety or cultivar. ii. Sources must include companies that offer organic seeds and planting stock. iii. Failure to demonstrate improvement in sourcing organic seed/planting stock over time may result in additional seed sources being required or additional steps taken to procure organic seed/planting stock, by the organic certifier. <p>3. If seed/planting stock is sourced or mandated by the buyer of a contracted crop, the producer must obtain sourcing information and documentation from the contracted buyer. The buyer's attempts to source organic seed/planting stock then becomes part of the producer's Organic System Plan. Such documentation must be comparable to that required of the producer who sources their own seed/planting stock.</p>
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producer who sources their own seed.	
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4.2.1 (b): HMOS supports the change specifying a *minimum* of five sources. Certified operations should contact seed or planting stock sources to ascertain the availability of organic seed or planting stock for all crops grown. We support a refinement in the guidance that the sources be companies that can actually offer organic seed (have inventory on hand of organic seed) and planting stock of the equivalent variety being procured and to the quantity (commercial vs. gardener) of seed needed. As a result, in some cases, fewer than five sources will be able to be identified. Documentation regarding this search should be maintained as part of record keeping, and should include the dates of organic seed sourcing attempts. Sourcing dates should be verified to confirm the grower attempted sourcing efforts in sufficient time to actually be possible (e.g. longer for larger amounts - 3-6 months for off-the shelf quantities and 12 months for large quantities). Documentation for an exception to use conventionally untreated seed from a seed supplier should include date of inquiry, variety inquired about, quantity requested, status of inventory of seed supplier on the date of inquiry. Documentation regarding this search should be maintained as part of record keeping.

With respect to the role of the buyer/handler that is sourcing seed (**4.2.1 b(3)**), HMOS supports the changes made. Buyers are often certified handlers who contract with producers to grow certain varieties that are often not available as certified organic. If a certified handler (buyer) mandates a particular variety to be planted *and the buyer/handler is responsible for sourcing the seed*, the certified handler should be held responsible for determining if the variety is commercially available as organic, and this information should be included in the producer's Organic System Plan. Specifically stating that the buyer's attempt to source organic seed must become part of the Organic Systems Plan is critical and will support growers in their ability to collect this information. We also want to acknowledge that with the proposed revision to the regulation (requiring continuous improvement), the buyer would also need to demonstrate and document (for the organic producer) improvement in searching, sourcing and use of organic seed/planting stock every year with the goal of achieving full compliance in the use of only organic seed/planting stock.

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4.4.4 Certifying agents should review an operation's progress in obtaining organic seeds, planting stock and transplants by comparing current source information to previous years	4.4.4 Certifying agents should review an operation's progress in obtaining organic seeds, planting stock and transplants by comparing current source information to previous years a. If sufficient progress is not demonstrated a
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<p>a. If sufficient progress is not demonstrated a certifying agent may ask for a corrective action plan and require additional seed sources be researched, encourage variety trials, or require additional steps to procure organic seed.</p> <p>b. Non-compliances should be issued for repeated lack of progress in sourcing organic seed over time.</p>	<p>certifying agent may ask for a corrective action plan and require additional seed sources be researched, encourage variety trials, or require additional steps to procure organic seed.</p> <p>b. Non-compliances should be issued for repeated lack of progress in sourcing and using commercially available organic seed/planting stock over time. Judgment of a noncompliance can include, but is not limited to, the certifier's communication detailing commercially availability organic seed/planting stock and continued nonuse by the farmer, the producer's lack of on-farm seed trials for judging equivalency between nonorganic seed and organic seed, and organic seed searches that do not include suppliers who carry organic seed.</p>
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4.4.4 (a): HMOS supports clarifying the role of certifying agents in the organic seed usage guidance, including issuing non-compliance for repeated lack of progress. We suggest keeping the language in this section synonymous with that in 4.2.1(b)(1)(iii) to be stated as such: 'If sufficient progress is not demonstrated a certifying agent may ask for a corrective action plan and require additional seed sources, verification of grower's production cycles to ensure appropriate dates of sourcing attempts, documentation of variety trials, and additional steps taken to procure organic seed and planting stock.'

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<p>4.4.5 Certifying agents should review the prevention measures taken to avoid contamination for seed of at-risk crops.</p>	<p>4.4.5 Certifying agents should review the prevention measures taken to avoid contamination for seed of crops at-risk of GMO contamination.</p>
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4.4.5 HMOS supports the role of certifying agents to review the prevention measures taken to avoid contamination for seed of crops at risk of GMO contamination for all seed that a certified organic producer may purchase, whether those seed crops are produced organically or conventionally.

Accredited Certifier and Organic Inspector Training

HMOS highly encourages the NOSB's efforts to work with the Accredited Certifiers Association (ACA) and the International Organic Inspectors Association (IOIA) to develop comprehensive training on organic seed use and determination of commercial

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availability. While an organic seed database can be helpful in enabling producers and inspectors to determine appropriate seed availability, this database must be easy to import information into and download information from. HMOS supports the adequate funding, development of an easy to use and future mandatory use of an Organic Seed Finder and/or the Integrity Database as an important tool in the regulatory enforcement process.

A central clearinghouse of organic seed availability information may be helpful in supporting consistency in locating organic seed and verifying compliance with the organic regulation. However if a farm was to do a search for “organic Yaya carrot seed” or “organic beet seed” (as examples) they would find a myriad of options. We are not sure that the Organic Seed Finder will ever match the capability of various commercial internet search engines.

We’d like to see the NOSB and NOP work together on a process for reviewing organic seed availability by crop type each year to determine if and when there is adequate diversity and volume to require the use of organic seed for particular crop types.

Thank you for this opportunity to comment on the NOP’s organic seed regulation and guidance. We appreciate your commitment to organic seed and your work to support organic integrity at the beginning of all vegetable production—the seed.

Sincerely,

A handwritten signature in dark ink that reads "Tom Furber". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Tom Furber
General Manager