

# How Available is Available?

Organic seed is part of organic certification rules – except for one vaguely worded phrase that has become a big loophole. Could changes increase the demand for organic seed?

By Ellen C. Wells

IT'S REQUIRED. WELL, SORT OF... U.S. organic growers have been required since 2002 to use organic seed when growing organic crops. Specifically, the USDA's National Organic Program Standards Regulation Section 205.204 says, in part, that organic seed shall be used except when "an equivalent organically produced variety is not commercially available." This wording has become a sticking point for organic growers, their certifiers and organic seed producers alike. What constitutes "commercially available"? And how can growers check if their varieties are commercially available? Everyone involved in the process is looking to NOP for some clarification of the rule.

According to Tom Stearns, owner of High Mowing Organic Seeds, the current organic seed requirement rule is open to interpretation. "It's pretty vague language," Stearns says, adding that some independent certifiers are making their own decisions on how to read the rules in lieu of direction from NOP.

"The last few years NOP has made it clear to certifiers that if it's available in the quantity and quality a grower needs, then they need to use organic seed," he says. There are three issues:

- ensuring growers know what varieties are available;
- encouraging growers to test seed to determine if the quality meets their standards; and
- getting growers to test other equivalent varieties if their specific desired varieties aren't currently available organically.

"Most people recognized 'requiring organic seed, if commercially available' was an important part of developing a healthy organic agriculture industry in this country," says Bill Duesing, Executive Director of the Northeast Organic Farming Association. While there has been an increasing supply of organic seed, he adds, some farmers might not be able to find varieties that do well on their land. "Here in Connecticut, organic farmers grow a wide variety of vegetables. I imagine there may be some varieties they've found that work very well on their farm or are popular with their customers but may not be available as organic seeds."

## Change in the Works?

The National Organic Standards Board, the body that makes recommendations to the USDA regarding NOP guidelines, was

scheduled to discuss commercial availability criteria for organic seed as well as agricultural products used in processed products (as covered in Section 205.606) this past November. At the end of the meeting, however, all references to seed were eliminated from the NOSB recommendations.

"We heard from people in the seed industry that even though organic seed was required under the regulations, farmers could avoid it by claiming what they needed was commercially unavailable," says Joseph Smillie, Chair of NOSB's Certification, Accreditation and Compliance Committee. In the most recent draft of NOSB recommendations, the committees wanted to address a definition of commercial availability to fit both uses – the agricultural products used in processed products and the requirement to use organic seed – in one document.

According to Smillie, however, the response to the draft recommendations during the public comment period was that NOSB "was mixing apples and oranges." He adds that as the latest recommendations were written, "all we were doing, in effect, was telling NOP to enforce what they already had on the docket." The NOSB proceeded with the recommendations for clarifying commercial availability for Section 205.606. They will have the Certification, Accreditation and Compliance committee, as well as the Crops committee, work together to make further recommendations regarding commercial availability of organic seed at NOSB's next meeting in March.

## The Path Forward

Marc Cool, Seed Director for Seeds of Change, attended the November NOSB meeting. While no new seed recommendations moved forward in November, Cool remains positive, saying "now we have a chance, as an industry, to put together a better set of recommendations for NOSB to look at and propose to NOP." Cool hopes the next recommendations will implement openness and transparency in the system and permit documentation of growers' and certifiers' efforts to obtain organic seed. "Once the rules are more transparent and open, it'll provide impetus for the seed business to understand what the needs are, and we can then invest money in building the supply."


High Mowing's Stearns doesn't necessarily want to force the use of organic seed with rules. "We need to stimulate the

organic seed industry to make more seed available, but I think the way it should be done is requiring it crop by crop," he says.

The solutions to this issue will come from both sides of the playing field, according to Andy LaVigne, President and CEO of the American Seed Trade Association. Growers will help create the demand and seed producers will create the availability at an economically viable level. And, he adds, with production times and other factors to consider, it's too complex to be something that changes overnight.

"The interactions between the grower community, the organic industry and the marketplace, as well as the seed producers, are going to be absolutely key," LaVigne says. "You have to know where the demand is coming from, where the opportunities are, and give the seed breeders the lead-time to work to develop various varieties to meet that demand."

LaVigne sees the seed industry taking a leadership role in this issue, and believes it will create many opportunities for the industry overall, from introducing and implementing new innovations and technologies, such as marker-assisted breeding, to looking back into germplasm repositories for traits beneficial to organic production.

"The reason ASTA created an Organic Committee was because we realized the importance of that part of the marketplace," he says. That Organic Committee will be discussing the direction to take regarding commercial availability of organic seed. "I think it shows NOP is clearly a priority and an interest for ASTA and will continue to be." In fact, LaVigne adds: "We are working hard to meet the needs of the customers throughout the value chain." 



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