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Uncertain Harvest

What will the new organic rules and regs yield?

By Allen Seidner

Tom Wiley

On his 75-acre patch of land in Central San Joaquin Valley in Madera, California, Tom Willey and his small staff hold themselves up to strict organic standards for the arugula, baby turnips, rutabagas, lettuce and radishes they tend by hand. Like many organic farmers, Willey fears the future integrity of organic food may be on the line. A new national law goes into effect on October 21 to govern every stage of the organic food system. The law will do a lot to ensure minimum standards of quality and, by establishing new labeling standards and handling protocols, bring validity to the organic label. But the new rules lack incentives for further innovations in ecological farming and leave out some ecological issues considered critical by many of modern organic farming's pioneers. The law, says Willey, will be "interpreted incessantly and tinkered with by lobbyists to make it easier for industrial agriculture to be organic, without really changing a great deal of how and under what conditions they produce our food."

The new national organic standards established by the United States Department of Agriculture (USDA) settle much of the debate over what counts as an organic ingredient or process. State and private agencies that have used inconsistent rules and definitions for labeling food as organic are now required to adhere to the USDA's common standards. The new standards ban the use of synthetic pesticides, fertilizers and sewage sludge on farmland for a minimum of three years before a farmer may sell a crop as organic. All organic producers and handlers with sales over $5,000 a year must be certified by a USDA-accredited agency. And use of the word "organic" on signs and labels will also conform to strict new standards. (See sidebar, "Three New Organic Labels.")

"It is the end of an unregulated industry," says Ray Green, organic program manager at the California Department of Agriculture and proponent of the law. "If you're

not in full compliance with the national law on October 21, you are out of the organic business." The law was born in 1990 with passage by the United States Congress of the Organic Foods Production Act, which required the USDA to develop consistent national standards and a certification program for organic agricultural products. In writing the final rule, the agency was forced to strengthen a draft it proposed in 1997 in response to an onslaught of mostly critical public comments. Without a consistent national standard, there have been varying definitions among growers and certifiers about what constitutes organic. In some states and localities, the rules regarding organics were verbal. By standardizing and mandating certification of organic foods, unscrupulous farmers and marketers can no longer sell goods that don't meet the standards. The USDA's new rules will reshuffle the organic industry as it opens itself to producers, processors and retailers hungry for larger organic sales—and casts off some smaller, more vulnerable players.

Opting Out

Some of organic farming's most successful practicing scholars are leaving the business, claiming the new rules are less exacting than their own high standards. These farmers believe the USDA caters too strongly to the interests of large, industrial agricultural companies. "The danger, and it's pretty inevitable," says Willey, "is having the USDA bureaucracy involved in creating and monitoring the regulations and having corporate interests in control." Top-of-the-line organic producers whose products reach a higher standard now can't claim to be better than a competitor.

Rick and Kristie Knoll

Organic farmers are experiencing the irony of their own relative success. Those unhappy with the new rules are uneasy with the prospect of the cottage industry they helped create becoming an indistinguishable part of conventional agriculture. "The farm economy is broken," says Willey. "It just does not work to the benefit of producers at all, in any way, shape or form. And if you look at the attrition rate of small, family-owned farms over the past century, it's just a plunging line. The bottom line is that Americans are just going to get out of agricultural production in this country."

It's not entirely clear who will bear the costs of implementing the new rules and procedures. Being certified organic means paying for inspections, plus a marketing tax on each shipped case of produce. Larger organic producers and processors have been certified by state or private agencies for years and are likely to experience little change or additional expense. The Farm Bill passed by Congress earlier this year authorizes the USDA to provide certification subsidies to smaller farmers and handlers. But those few hundred or thousand dollars can "become more cost-prohibitive for smaller farms," Willey says. "The cost of certification has increased significantly over the last 10 years."

Some who have farmed organically for decades are dropping the organic name in favor of new labels for their top-quality produce. "It's somewhat of a protest, but we see dropping the label as a market advantage," says Rick Knoll, whose Knoll Organic Farms

in Brentwood, California, grows organic seasonal flowers, herbs and fruit. Knoll continues to use strict organic practices on his many varieties of figs, apricots and herbs, but he has not renewed the certification that would allow him to continue using the organic label. Compliance would cost him about a month's worth of his income. "A lot of people are really unhappy with the organics laws," Knoll says. "We didn't need rules. We're ecologists, and we're trying to grow really nutritious, healthful food. And if you try to do that, then the only important thing is increasing your soil diversity and its fertility. The law doesn't really address the ecology of farming, and it doesn't really give you a reason to become a sustainable farmer."

Of course, not all organic farmers are ready to start new labels. "I don't feel victimized because organic became successful," says John LaBoyteaux, who grows organic plums, beans, squash and hay on 20 acres in Redcrest, California. "I believe that organics could feed the world. It's just a question of whether or not we need more farmers to do it." LaBoyteaux understands concerns that the new law will hurt some small organic farmers, but he unabashedly supports national standards. "We needed a uniform definition. We needed some way to deal with outrageous fraud. And we needed some way to provide some kind of assurance to distant markets," he says.

John LaBoyteaux

To many small producers, organic farming focuses much more on the sustainability of the soil and health of the ecosystem than on the minutiae of acceptable and prohibited sprays. To farmers, sustainability means producing food with an emphasis on the health of the soil, biological diversity and healthful pest-management techniques through the use of ground-cover crops, crop rotation and beneficial bugs. But small organic farmers fear that industrial producers entering the organic market may ignore sustainability issues and implement conventional practices that favor high short-term yields over the long-term health of the soil, workers and communities. Those practices could result in further price pressure on smaller farmers, which may drive up their prices for consumers.

Why Buy Organic?

Locally grown produce—which is fresher for having traveled shorter distances and can be picked at its naturally ripest stage—retains more nutritional value than produce shipped across the continent, or from another country. Buying from stores that support nearby growers and from farmers' markets supports sustainable community efforts as well. "From a sustainability perspective, I probably have no business shipping food from here to the East Coast," Willey says. "None of us do. We used to sell all of our product on the West Coast until the competition got to be so fierce that we had to seek out more distant markets just to keep the economics of our business from coming apart. So now we find ourselves in a position where we're shipping a significant amount of product long distances, but it's disquieting to us in many ways."

The issue of pesticide residues is also not addressed in the new rule. A May 2002 study, led by Consumers Union, the publisher of Consumer Reports, shows that organic foods contain two-thirds fewer pesticide residues than conventionally produced items. Compared to organics, conventional crops were six times as likely to contain multiple pesticides. “No one in the organic community ever said that organic produce has zero pesticide residues. It has significantly less pesticide residue and is therefore safer for consumers,” says Simon Harris, national campaign director at the Organic Consumers Association. Workers are exposed “when applying those toxic substances, which can be really dangerous to be around on a daily basis,” says Willey. Not using pesticides is “an indirect benefit to the consumer, but it’s a great direct benefit to the people who get to work in organics versus conventional farming,” he says.

The rules are open to future amendments proposed and supported by consumers, small farmers, retailers and large manufacturers. “It can go both ways,” Harris says, “The standards could be tightened or slowly watered down to come in line with the bigger food companies, who want to have more of their land certified as organic.”

Knoll and others are already looking past the new organic rule, creating new labels with stricter soil and ecological commitments. Using the label “Tairwá”—from the French word for “the essence of place”—Knoll hopes to create demand for his label based on freshness, taste and sustainability. “We’re going to develop a small-farm sustainable label that supports soil fertility and biodiversity more than anything else,” Knoll says. “The law, from where we sit, has lowered the bar rather than raised it. We dropped out and started our own sustainable label to raise the bar—at least where we think it should be for now. And as we evolve, the bar will get higher. The neat thing about the way we farm is that you can’t fake it. You have to do it without chemicals, and it has to be all about nutrients and about soil fertility.”

Three New Organic Labels

The days when the word “organic” appeared in large print on a food product without a substantial majority of organic ingredients will soon be gone. The new USDA law establishes specific labeling formats for organic products. As of October 21, products that display the word “organic” must contain at least 70 percent organic ingredients and identify the USDA-accredited organic certifier. These new labels will appear on everything from cereals and nutritional bars to bakery and deli products:

100% Organic. Every single ingredient, except water and salt, has been certified and documented as organically produced in accordance with the new national rule.

Organic. The product is comprised of ingredients that make up at least 95 percent of the total weight, excluding water and salt. To use the word organic in the name of the product, even the few non-organic ingredients must have been produced without the use of genetic engineering, irradiation, sewage sludge, antibiotics and a lengthy list of prohibited substances. Products that meet the “100% Organic” and the “Organic” label requirements may also display the new “USDA Organic” seal.

Made with Organic Ingredients. The product contains at least 70 percent organic ingredients. The label may also list up to three of the organic ingredients or food groups. For example, “Garlic Hummus, made with organic beans, garlic and tahini.”

Products containing less than 70 percent organic ingredients may not use the word “organic” on the package’s front panel and may only use “organic” before the name of an item in an ingredient list.

A.S.