

## table of contents...

<b>Standards &amp; regulation</b>	
Farmer's lawsuit forces changes to NOP	1
EU Regulation amendments in 2004	6
<b>Certification &amp; accreditation</b>	
EurepGAP benchmarking	8
<b>Updates &amp; reports</b>	
Global status of commercialised GM crops in 2004	10
Standard changes and new bylaw proposals at OCIA	12
Mexican Congress approves organic law	13
US organic research funding on par with 2004	13
Continuing frustration over poultry standards in UK	14
Scottish farmers offered first track service for organic conversion	14
Central American competent authorities establish regional commission for organic agriculture	15
Ifoam members soon to vote on IBS motions	16
IOAS Board vote not to increase fees	16
<b>Comment &amp; opinion</b>	
Building a workable organic vision	17
<b>New on the job</b>	
Peggy Miars is CCOF's new president	18
New NOSB members named	18

## Farmer's lawsuit forces changes to NOP

*Concerned about USDA's lax interpretation of the law governing organic production and processing in the United States, an organic farmer filed a lawsuit that could result in significant restrictions on processors, handlers and dairy farmers.*

A court case filed in 2002 by Arthur Harvey, a 72 year-old blueberry farmer and organic inspector from Hartford, Maine, was moved into the US Court of Appeals for the First Circuit in Boston. The case resulted in a court ruling in favour of Mr Harvey made at the end of January. This will mean that the USDA will be directed to change the current National Organic Program (NOP) regulations to make them more restrictive (see table on page 4).

### Overview of the case

Harvey views his case against the USDA as an effort to uphold the purity of organic production systems as well as the 'plain meaning' of the Organic Foods Production Act (OFPA). He decided to file the suit because he perceived the NOP to be taking more authority over setting organic standards than the law allows. 'I had to do this; or otherwise the government could get away with anything they wanted,' Harvey said.

His greatest concern was the NOP's allowances for the use of synthetic materials in processed organic foods. While he agrees that OFPA allows the limited use of some synthetics in multi-ingredient products, he believes the NOP has overstepped the law's provisions. This

opinion was reinforced when the NOP allowed the use of hundreds of 'food contact substances' without review by the National Organic Standards Board (NOSB). 'The NOP has taken these substances and has gone completely hog wild,' Harvey said. 'The synthetics issues is pretty important because it makes the NOP look like it is on thin ice.'

Mr Harvey's appeal to the US First Circuit Court of Appeals said the regulations issued by the NOP are inconsistent with the Organic Foods Production Act and 'weaken and dilute the organic standards.' The key challenges in the case state that NOP:

- Does not have authority to grant a blanket exemption for commercially unavailable 'non-organically produced agricultural products' from being regulated through the National List.
- Cannot allow the certification of products containing less than 95% organic ingredients.
- Cannot allow synthetic ingredients in organically-labelled processed foods because OFPA forbids the addition of synthetic ingredients to processed foods.
- Cannot exclude wholesalers and distributors who meet OFPA's definition of 'handlers and handling operations' from the requirement to be