



Comment to National Organic Standards Board on Aquaculture Recommendations Submitted by Urvashi Rangan, Ph.D., Senior Scientist and Policy Analyst, on behalf of Consumers Union, non-profit publisher *Consumer Reports* November 18, 2008

Consumers Union appreciates the opportunity to make comment to the National Organic Standards Board's recommendations for aquaculture. This comment specifically addresses the proposed organic aquaculture standards for fish feed, net pens and related management issues.

We are disappointed with the final recommendations currently being considered by the National Organic Standards Board (NOSB) and urge the NOSB to reject these recommendations that fall significantly short of consumers expectations in many respects. Two independent, nationally representative, telephone surveys conducted by the Consumers Reports National Research Center reveal several findings about consumer expectations for "organic" fish:

June 2007 poll results include:

- 90% of Americans agree that "organic" fish should be produced without environmental pollution and be free-of or low-in contaminants like mercury and polychlorinated biphenyls (PCBs).

November 2008 poll results include:

- 93% of Americans agree that organic fish should be produced with 100% organic feed like all other animals
- 91% of Americans agree agreed that organic fish farms should be required to recover waste and not pollute the environment. In addition to this expectation, 57% registered additional concern about ocean pollution caused by "organic" fish farms

(these surveys can be accessed in their entirety in the Food section at *Consumer Reports'* www.greenerchoices.org)

These recommendations do not meet the same bar for other organic livestock production practice and in fact *lower* the bar, which if enacted will compromise organic quality, value, and undermine consumer confidence--not only in the organic fish that they buy in organic foods on the whole.

There is acknowledgment in the fish feed recommendation that consumers may not want to eat organic fish that were fed fishmeal with wild fish. The recommendation goes on to propose a conditional organic label to differentiate this aspect. However, Consumers Union believes that this is in violation of the Organic Food Production Act 1990, section 2102(2) that assures that organic production meets a consistent standard. There is one USDA organic label and it should be consistent in meaning across product types and even more so within a product type.

The allowance of 25% wild fish meal fails to meet consumer expectations and would lead to several problems that include:

1. failing to meet the 100% organic feed requirement for other organic livestock
2. opening the door for mercury and PCB contamination in organic fish sold to consumers
3. establishing a bad precedent that could then be used to lobby for feed exemptions for other livestock.
4. providing inadequate nutrition for carnivorous fish and could compromise omega-3 fatty acid levels so they could be nutritionally inferior to their conventional counterparts

The proposed step-wise reduction in wild fish levels in fishmeal over 12 years creates an unnecessarily complicated, defensive strategy to manage contamination and sustainability, especially compared to creating one 100% organic fishmeal channel. The proposed standard relies on vague environmental principles and weak regulations to support the use of wild fish, specifically,

- the reliance on section 2107(a) of OFPA that requires periodic residue testing is inadequate to safeguard against contaminants in wild fishmeal, since it only mandates testing once every five years
- the sourcing of wild fish from “sustainable” fisheries that “minimize environmental impact” is vague, not standardized nor prescriptive and will leave gaping loopholes, subject to a wide array of interpretations
- the reliance on current industry practices for contamination control which are insufficient and currently allow contaminated fishmeal to be used

By maintaining the current 100% organic feed requirement, the reliance on a poor and fragmented management of fishmeal production for organic fish is completely mitigated.

If enacted, these recommendations will lead to massive consumer confusion in the organic marketplace. The NOSB proposed changes to 205.612 only serve to illustrate the confusing message by creating a gross exemption on the National List, which would allow a *prohibited material*--wild fish—to be for used in organic fishmeal.

It is also confounding that the recommendations are based on an amendment to the law that has never been promulgated and that allows wild fish to be labeled as organic. The public has never had an opportunity to have input and therefore it should not be a basis for the recommendation. Furthermore, the National Organic Program has publicly stated that it will not regulate the current fraudulent use of the organic label on fish in the marketplace until regulations are finalized for fish standards. These actions are disingenuous to American public and the National Organic Program.

The recommendation for net pens and related management issues should be rejected altogether. The use of open net pens is not only controversial in the discussions around organic fish standards but for conventional aquaculture production. In fact, the use of open net pens is banned in California and Alaska precisely because of the widespread environmental damage from these systems. Consumers Union concurs with comments from the Coastal Aquaculture Alliance and Food and Water Watch regarding the use of open net pens as environmentally destructive. Again, our poll data shows that the overwhelming majority of Americans (more than 90%) do not want organic fish to come from polluting systems and we respectfully submit more than 16,000 signatures to the following letter to be entered into the docket:

Dear Ms. Valerie Frances, Executive Director, NOSB:

As a consumer who puts value and faith in the organic label, I expect fish labeled as organic to meet the same high standards as all other organic products and livestock. Anything less is a disservice to the organic label and American consumers.

As you complete your organic aquaculture standards, I urge you to ensure that fish labeled as organic eat 100 percent organic feed, and be produced in a way where waste can be captured and not released into the environment.

Organic fish should not be fed wild fish, since some wild fish come from polluted environments and are high in mercury and PCBs.

Fish raised in ocean net pens also should not be allowed to carry the organic label. Ocean net pens, such as those used to farm salmon, can be highly polluting, with a great deal of waste, disease, and escapes entering and directly impacting the surrounding natural ecosystems. Organic production should be environmentally sound and should not pollute in this indiscriminate way.

Americans understand these issues. A 2007 Consumers Union poll found that some 74 percent of consumers are concerned about environmental pollution from "organic" fish. The poll also showed that 91 percent of consumers want contaminants in fish to be absent or present only at very low levels.

Please ensure that the organic label continues to have integrity, and is used only on food produced according to very high environmental standards. Fish labeled as organic should not be raised on non-organic feed or in facilities that release waste into the environment.

These signatures combined with those from Center for Food Safety and Food and Water Watch total more than 35,000 signatures--all echoing the same sentiment.

Consumers do not want organic fish that are not fed 100% organic feed, that come from polluting systems, that may be contaminated with mercury or PCBs, and may be nutritionally inferior (omega-3 levels) to their conventional counterparts.

We urge the NOSB to reject these recommendations and to maintain the current standard for livestock production. Only fish that are fed 100% organic feed and come from closed, waste-controlled production systems should be eligible to be organic. That standard will allow producers who can meet the high bar to enter the organic market and for those who can't to innovate to meet the basic principles of organic production. That is what consumers expect. If that line cannot be drawn, Consumers Union would prefer to see no organic fish on the market rather than a muddied marketplace with organic fish that have varying degrees of meaning and quality.