

RE: Organic Products Bill

28 May 2020

Dear Minister and Primary Industry Select Committee members,

I would like to be heard.

I am a certified Organic Farm NZ producer. This Bill does not meet any of the obligations I currently meet through my current certification body, in relation to requirements and guidelines for certification. .

This Bill must not proceed through the House. The Bill does not give any guidance of process with regard to the methods that ensure the consumers and businesses I sell to will have confidence in my Organic procedures. Further, the Bill criminalises and undermines organic producers and is contradictory.

This Bill does not specify any interpretation nor provisions regarding the growing or producing of organic foods.

The lack of terminology defining “organics” and/or “organic” in the Bill leaves any interpretation or variations of regulations and standards subject to the whim of the Minister.

The purported aims of the Bill are already covered under the Fair Trading Act and Consumer Products Act and therefore duplicate parts of these other Acts. Certified Organic businesses and international markets have ratified agreements and formal recognition of NZ BioGro and Assure Quality standards. These agencies do not need to be duplicated.

The Bill must clearly state – a prohibition on the use of genetically modified/engineered organisms and synthetic pesticides in organic production,

The Bill has not defined any Principles, these must be specified and added to guarantee consumers, businesses, and international markets a clear and agreed definition of the term “Organic” and clear outline of how the production systems are carried out.

I believe the definition of Organic should be similar to the wording below

Organic Production systems aim to enhance and support diversity and fertility through sustainable natural systems of production that maintain the life supporting vitality of the soil, including its biological, physical, and mineral components, with minimal environmental impact.

The Principles should direct and enforce the basis on which the standards are set out stating -

- Biological and animal husbandry, eco-agriculture, natural sustainable systems of production, and environmental diversity, relating to animals, orchard, and crop management.
- Prohibition of the use of synthetic pesticides, genetically modified/bioengineered organisms, and/or factory-farmed animals.

This Bill places unacceptable additional tier to costs for producers who are already certified under International Export Organic Standards. These costs can and often will lead to economic hardship for organic producers. It appears that MPI is going to run an expensive and heavy handed punitive agency.

The subject Bill appears to take no account of existing domestic certification bodies. The lack of recognition for domestic small producer certification for example Organic Farm New Zealand POD system, is a participatory guarantee system (PGS) as described by the International Federation of Organic Agricultural Movements (IFOAM) to provide affordable certification for the small to medium domestic producers.

Regarding specific clauses in the Organic Production Bill

Clause 20 - There is no interpretation of "Natural person" it is unclear what is meant by the term.

Clause 45-46 – The subject Bill has no set standards on which comments can be made. No justification exists for allowing the Minister of the day to approve, override, or reject foreign organic products, even if they have complied with the organic standards of the exporting country. Fonterra has 120 markets to which it sells organic products. All recognise the NZ certification standards compliant with IFOAM standards. For the Minister to be able to interfere with foreign countries' organic standards has serious trade implications, and could be employed in a purely retaliatory manner. In the last two years, only 24 complaints have been lodged with the FTA regarding the claim "Organic" out of the thousands received by the Commissioner annually and none are pending review¹. The certification of organic products both nationally and internationally is well respected by consumers. Such a Bill would cause a chilling effect for NZ businesses and our considerable international trade in organic products.

Clause 48 negates Clause 45. At the moment, importers and commercial businesses have assurance that a certified Organic product meets the Organic standards of the certifying bodies. If on one hand the chief executive gives assurance but then cannot guarantee it is confusing.

Clause 49, this clause is contradictory and confusing, it undermines and calls into question organic certifiers, labels, and producers and is contradictory as stated above.

Clause 50 - Exempting classes of products from Organic standards is a direct and serious breach of the responsibility to promote consumer and business confidence. This Bill is so badly written with no set organic principles, that a producer who uses a pesticide or GMO, if they wait the requisite withholding period, would be able to call their product "organic." This defies reason and would undermine and adversely affect trade in organics.

Clause 62–65 is a heavy handed tactic to invade the property of an Organic producer, with no reasonable justification. This Bill turns wholesome organic production into an illicit activity and assumes that an organic producer is illegally trading. An unwarranted search and charge to the producer is heavy handed and probably a violation of basic human rights. Annual audits for organic certification through a defined process have been carried out in New Zealand for forty years. No justification exists for turning organic producers into illegal and deliberately fraudulent persons. These clause are chilling and clearly designed to stop certification of organics. The normal channels of corrective actions and loss of certification for producers who do not meet the standards is the correct process and is already in place and working effectively.

This Bill should not progress further through the house. The Bill should be returned to the Ministry of Primary Industry to be re written.

Yours sincerely,

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¹ https://comcom.govt.nz/__data/assets/pdf_file/0024/215655/OIA-19.154-Organic-Marketing-Response-Letter-and-FTA-1986-Explanatory-Booklet-29-April-2020.PDF