

REPORT ON ANSI'S DRAFT NATIONAL STANDARD FOR SUSTAINABLE AGRICULTURE

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This article further updates recent progress toward adoption of the proposed national standard on sustainable agriculture under the auspices of the American National Standards Institute (ANSI). The very controversial SCS-001 Draft Standard for Trial Use (DSTU) called "Sustainable Agriculture Practice Standard for Food, Fiber, and Biofuel Crop Producers and Agricultural Product Handlers and Processors" (hereinafter SCS-001 Draft Standard) was published by Scientific Certification Systems (SCS) in 2007. As the drafter and principal promoter of the SCS-001 Draft Standard, SCS has funded nearly two years' worth of meetings, stakeholder input, and activities using an ANSI standard-developing organization (SDO) called the Leonardo Academy in Madison, Wisconsin. If this standard becomes an American National Standard under ANSI rules, it could then become an International Standard under the International Organization for Standardization in Geneva, Switzerland. For a summary of past events leading up to this update, including other legal challenges with the SCS-001 Draft Standard, *see* Thomas Redick & Shawna Bligh, *Report on ANSI'S Draft National Standard for Sustainable Agriculture*, 12 CLIMATE CHANGE, SUSTAINABLE DEVELOPMENT, AND ECOSYSTEMS COMMITTEE NEWSL. (A.B.A. SEC. ENV'T, ENERGY, & RESOURCES) 25 (May 2009). <http://www.abanet.org/environ/committees/climatechange/newsletter/archiveslist.html>.

Background—Initial Drafting and Conception of a National Standard

The SCS-001 Draft Standard is largely based on a prior voluntary standard (not under ANSI) called "Veriflora®" which sets environmental and labor

standards for flower and potted plant production. SCS certifies producers and handlers of flowers as an independent third-party verification body. In time, the VeriFlora certification standard and the SCS-001 standard could be used by SCS to generate income from certification. Like Veriflora, the SCS-001 Draft Standard as initially proposed would promote a non-GMO, organic, and fair trade (i.e., fair labor) standard for agriculture that exceeds nearly all existing organic and nonorganic practices in U.S. agriculture. SCS Web site available at www.scs-certified.com/csrpurchasing/veriflora/, and ANSI Standards Action (Oct. 5, 2007).

The Leonardo Academy was chosen by SCS to handle the SCS-001 Draft Standard, in part, for its lack of existing contacts in agriculture. Leonardo's lack of agricultural standard-setting experience also meant lack of "conflicts of interest" of the sort SCS probably perceived in the American Society of Agricultural and Biological Engineers, which was given a copy of the SCS-001 Draft Standard to review in mid-2007 before the Leonardo Academy.

USDA Observes Instead of Objecting

Since it withdrew an appeal that sought the ANSI equivalent of a "death penalty" (seeking to have Leonardo's accreditation cancelled), USDA has peacefully observed the SCS-001 process. While appeals are still pending from various groups objecting to the imbalance in the membership of the standards committee (citing the exclusion of mainstream commodity agriculture while favoring certain specialty, floral, and organic sectors), those appeals are on hold pending the seating of new members in January 2009 (five seats of the fifty-eight-member standards committee are "open" and are being filled, with the application deadline in late December). USDA's appeal, as well as the pending appeals, objected to Leonardo Academy rules that gave at least 25 percent of the seats on the committee to "environmentalists," while three other sectors typical of ANSI committees

got 25 percent (“users,” “producers,” and “general interest”). USDA’s request to ANSI to withdraw Leonardo’s accreditation was rejected by ANSI’s Executive Standards Board.

Leonardo Academy correspondence to USDA in 2008 indicated a possible bias toward a “precautionary approach” to biotech crops and chemicals, including fertilizer use, but the academy has administered the standard over the past few months to maximize the transparency for observers. USDA did not want a standard purporting to cover all sectors of the agricultural community to arbitrarily exclude biotech crops, fertilizers, peat moss, and most chemicals. Such inputs maintain high yields, particularly in times of food scarcity. Moreover, USDA maintains that any national agriculture sustainability standard should be consistent with the 1990 Farm Bill’s definition of sustainability. *See Food, Agriculture, Conservation, and Trade Act of 1990 (FACTA), P.L. No. 101-624, tit. XVI, subtit. A, § 1603 (Washington, D.C.: GPO, 1990); NAL Call # KF1692.A31 1990; see also comments at National Agricultural Library, available at www.nal.usda.gov/afsic/pubs/agnic/susag.*

The votes of the standards committee also opened the door to more input from mainstream agriculture by (1) setting aside, in their first meeting, the troubling draft standard that excluded biotech crops and generally limited man-made inputs, and (2) adopting, in their second meeting, a performance-oriented and technology-neutral approach that allows “any technology” (including biotech crops, chemicals, fertilizers) to make its case for increasing the sustainability of agriculture. This vote included several major environmental groups, such as Environmental Defense and Natural Resources Defense Council, which hold “technology-neutral” positions on the role of biotech crops and safe use of agricultural chemicals in sustainable agriculture standards. These groups are involved in the Specialty Crop Initiative sustainable agriculture metrics process. *See Stewardship Index for Specialty Crops, available at www.stewardshipindex.org.*

At its second meeting of the full committee, the SCS-001 standards committee voted for a “performance”

orientation that would focus on metrics first. This vote was further confirmed in December 2009 teleconferences of the structure and process subcommittee. While there may be some “practices” that help increase the sustainability of agriculture without verifiable metrics, those debatable subjects will be left for a later meeting of the standards committee. Last but not least, the standards committee narrowed the scope of the standard, to start with, to crop production to the farm gate. Livestock issues and processors were left for later “modules,” if the first module of crop production comes to fruition. On the question of imbalance in the standards committee (i.e., too many organic-floral voters according to appellants’ briefing), the standards committee voted to have the Leonardo Academy reevaluate that issue in consultation with the leadership committee (now called the “coordinating committee”).

Subcommittees Begin Drafting a Standard

Six subcommittees were formed at the second meeting, and they formed around 20 subgroups devoted to particular issues. The structure and process subcommittee established an outline for the standard and workflow documents to track the committee’s work. In the three “criteria” subcommittees (environmental, economic, and social) work began in earnest to define key principles and write paragraphs defining key issues. As text is drafted and metrics are found and included, the standard will take shape as a set of core principles with metrics to guide other efforts at establishing agricultural sustainability.

Observers are welcome to participate—guidance is provided to educate newcomers to the process. While an observer on a subcommittee does not vote at meetings of the standards committee, the subcommittees hear all comments and attempt to reconcile them. Under ANSI procedures, a serious issue is generally raised by a voting committee member who concurs with an observer, and that can lead to a formal objection at the voting stage.

Selection of a Standards Committee— Status of Appeals

The appeals to ANSI filed by both mainstream agricultural interests and USDA alleged that Leonardo Academy's bias led to a pattern of excluding representatives from major "materially interested" sectors (e.g., fertilizers, agricultural chemicals, etc.) and major agricultural sectors that are users of crops (e.g., livestock, biofuels, and processors). By narrowing the initial focus to exclude livestock operations that are not integrated with crops, the standards committee removed some of the pressure to expand their membership. As of December 2009, five seats opened up on the standards committee, leading to a renewed effort by mainstream agriculture (e.g., the Fertilizer Institute, Cotton Council, etc.) to acquire those seats. New applications to the committee closed December 28, 2009.

Mainstream interests that were initially excluded from the standards committee (e.g., fertilizer) can still pursue appeals challenging the Leonardo Academy's decision in selection of members of the standards committee. If the Leonardo decisions in staffing the empty seats and reviewing the balance thereafter do not correct the alleged imbalance toward organic and floral interests in the standards committee, appeal hearings will take place to determine whether major agricultural industry sectors were improperly excluded.

While they did not file appeals seeking seats on the standards committee, a large number of organic agriculture stakeholders also saw this standard as a threat. The National Campaign for Sustainable Agriculture (NCSA) suggested that "ecosystems in which agricultural practices operate are extremely versatile and dynamic" so that it is risky to create "static, universal 'sustainable agriculture' standards" given "ever-changing and geographically different ecological conditions that govern agriculture." With that caution in mind, the standards committee has directed its focus toward establishing metrics that provide verification for practices helping to meet environmental, social, or economic objectives. This should help to keep sustainable agriculture as a movement toward

goals and objectives rather than to try to capture it at one moment in time.

Next Steps

The third meeting of the standards committee will take place in late March 2010 at the University of Arkansas (with the standards committee chair, Marty Matlock, as host). The agenda for this meeting will surely include discussion of metrics and how they can aid a producer in growing his crops more sustainably. With pressure on producers to manage climate gasses, water pollution, biodiversity loss, and other issues that are increasing as well, producers may benefit from having standards to define contentious issues like carbon reporting or management of runoff.

Conclusion

This process is open to the public, and anyone interested in observing need only send an e-mail to the Leonardo Academy. Assuming the standard is released for public comment in final form two years from now, public comments can be made and must be answered by Leonardo. USDA is not obligated to apply the standard if it ever becomes final, but a robust and balanced process of standard setting could have significant market influence if retailers and food manufacturers accept this standard for "green procurement" practices that are increasingly being reported in some food sectors.

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